



Kentucky Division of Emergency Management
STATE EOC BUILDING
100 MINUTEMAN PARKWAY
FRANKFORT, KY 40601

KRS CHAPTER 39 A – G
and
Kentucky Administrative Regulations

106 KAR 1:140
106 KAR 1:170
106 KAR 1:180
106 KAR 1:190
106 KAR 1:200
106 KAR 1:210
106 KAR 1:220
106 KAR 1:230

106 KAR 1:240
106 KAR 1:250
106 KAR 1:260
106 KAR 1:290
106 KAR 1:340
106 KAR 1:350
106 KAR 1:370
106 KAR 1:390

August 2008

**UNOFFICIAL TEXT OF STATUTES
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39A.010 Legislative intent -- Necessity.

The General Assembly realizes the Commonwealth is subject at all times to disaster or emergency occurrences which can range from crises affecting limited areas to widespread catastrophic events, and that response to these occurrences is a fundamental responsibility of elected government in the Commonwealth. It is the intent of the General Assembly to establish and to support a statewide comprehensive emergency management program for the Commonwealth, and through it an integrated emergency management system, in order to provide for adequate assessment and mitigation of, preparation for, response to, and recovery from, the threats to public safety and the harmful effects or destruction resulting from all major hazards, including but not limited to: flood, flash flood, tornado, blizzard, ice storm, snow storm, wind storm, hail storm, or other severe storms; drought, extremes of temperature, earthquake, landslides, or other natural hazards; fire, forest fire, or other conflagration; enemy attack, threats to public safety and health involving nuclear, chemical, or biological agents or weapons; sabotage, riot, civil disorder or acts of terrorism, and other domestic or national security emergencies; explosion, power failure or energy shortages, major utility system failure, dam failure, building collapse, other infrastructure failures; transportation-related emergencies on, over, or through the highways, railways, air, land, and waters in the Commonwealth; emergencies caused by spill or release of hazardous materials or substances; mass-casualty or mass-fatality emergencies; other technological, biological, etiological, radiological, environmental, industrial, or agricultural hazards; or other disaster or emergency occurrences; or catastrophe; or other causes; and the potential, threatened, or impending occurrence of any of these events; and in order to protect life and property of the people of the Commonwealth, and to protect public peace, health, safety, and welfare, and the environment; and in order to ensure the continuity and effectiveness of government in time of emergency, disaster, or catastrophe in the Commonwealth, it is hereby declared to be necessary:

- (1) To create a Division of Emergency Management as the emergency management agency of state government and to authorize the creation of local emergency management agencies in the cities, counties, and urban-county or charter county governments of the Commonwealth;
- (2) To confer upon the Governor, the county judges/executive of the counties, the mayors of the cities and urban-county governments of the Commonwealth, and the chief executive of other local governments the emergency powers provided in KRS Chapters 39A to 39F;
- (3) To establish provisions for mutual aid among the cities, counties, and urban-county or charter county governments of the Commonwealth, with other states, and with the federal government with respect to the performance of disaster and emergency preparedness, response, recovery, and mitigation functions; and
- (4) To authorize the establishment of a statewide comprehensive emergency management program and integrated emergency management system, the promulgation of orders or administrative regulations, and the taking of other steps necessary and appropriate to carry out the provisions of KRS Chapters 39A to 39F.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 1, effective July 15, 1998.

39A.015 Definitions and chapter provisions applicable to KRS Chapters 39B to 39F.

The definitions and other provisions of this chapter shall apply to this chapter and to KRS Chapters 39B, 39C, 39D, 39E, and 39F unless the language or context of a particular statute requires otherwise.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 28, effective July 15, 1998.

39A.020 Definitions for KRS Chapters 39A to 39F.

As used in KRS Chapters 39A to 39F, unless the context requires otherwise:

- (1) "Adjutant General" means the executive head of the Department of Military Affairs vested with general direction and control authority for the department and the division of emergency management;
- (2) "Catastrophe" means a disaster or series of concurrent disasters which adversely affect the entire Commonwealth of Kentucky or a major geographical portion thereof;
- (3) "Comprehensive emergency management program" means the public safety program developed, organized, implemented, administered, maintained, and coordinated by the Division of Emergency Management and local emergency management agencies created pursuant to the provisions of KRS Chapters 39A to 39F, to assess, mitigate, prepare for, respond to, or recover from, an emergency, declared emergency, disaster, or catastrophe, or threat of any of those, as contemplated in KRS 39A.010 or as defined in this section;
- (4) "Coordination" means having and exercising primary state or local executive branch oversight for the purpose of organizing, planning, and implementing;
- (5) "Declared emergency" means any incident or situation declared to be an emergency by executive order of the Governor, or a county judge/executive, or a mayor, or the chief executive of other local governments in the Commonwealth pursuant to the provisions of KRS Chapters 39A to 39F;
- (6) "Director" means the director of the Division of Emergency Management of the Department of Military Affairs;
- (7) "Disaster" means any incident or situation declared as such by executive order of the Governor, or the President of the United States, pursuant to federal law;
- (8) "Disaster and emergency response" means the performance of all emergency functions, other than war-related functions for which military forces are primarily responsible, including, but not limited to: direction and control, incident command, or management; communications; fire protection services; police services; medical and health services; ambulance services; rescue; search and rescue or recovery; urban search and rescue; engineering; alerting and warning services; resource management; public works services; nuclear, chemical, biological, or other hazardous material or substance monitoring, containment, decontamination, neutralization, and disposal; emergency worker protection, site safety, site operations and response planning; evacuation of persons; emergency welfare services; emergency transportation; physical plant protection; temporary restoration of public utility services; emergency lighting and power services; emergency public information; incident investigation, hazards analysis, and damage assessment; and other functions related to effective reaction to a disaster or emergency or catastrophe, or the potential, threatened, or impending threat of any disaster or emergency or catastrophe, together with all other activities necessary or incidental to the preparation for and carrying out of the functions set out in this subsection;

- (9) "Division" means the Division of Emergency Management of the Department of Military Affairs;
- (10) "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment and which a local emergency response agency determines is beyond its capabilities;
- (11) "Integrated emergency management system" means the unified and multidisciplinary disaster and emergency response infrastructure developed in the Commonwealth, under the coordination of the division, using methods which align state or local administrative, organizational, and operational resources, to accomplish the mission, goals, and objectives of the comprehensive emergency management program of the Commonwealth;
- (12) "Local disaster and emergency services organization" means that organization of public and private entities developed to carry out the multiagency disaster and emergency response of a city, county, urban-county or charter county pursuant to KRS Chapters 39A to 39F;
- (13) "Local emergency management agency" means the agency created, operated, and maintained to coordinate the local comprehensive emergency management program and disaster and emergency response of a city, county, and urban-county or charter county government pursuant to KRS Chapters 39A to 39F;
- (14) "Local emergency management director" or "Local director" means the executive head of the local emergency management agency, appointed pursuant to the provisions of KRS Chapters 39A to 39F;
- (15) "State emergency management agency" means the Division of Emergency Management of the Department of Military Affairs; and
- (16) "State emergency management director" means the director of the Division of Emergency Management.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 2, effective July 15, 1998.

39A.030 Rationale and purpose of program -- Division of Emergency Management.

The General Assembly recognizes that the rationale and purpose of the comprehensive emergency management program of the Commonwealth has evolved from a program for response to threats to national security, enemy attack, and other national defense needs, to a program for response to all hazards, but primarily, domestic hazards and threats including natural, man-made, technological, industrial, or environmental emergencies or disasters, for which civil government is primarily responsible. Because of major changes in the rationale and necessity for emergency management capabilities, as well as the urgent requirement for multiagency participation and inter-agency coordination to ensure timely, effective, and appropriate disaster and emergency response in the Commonwealth, and to otherwise modernize and improve the administration, effectiveness, and relevance of the comprehensive emergency management program for the contemporary needs of the citizens of the Commonwealth, the General Assembly declares:

- (1) A Division of Emergency Management is hereby created as the emergency management agency of state government which shall develop the comprehensive emergency management program of the Commonwealth on behalf of the Governor, and in consultation with the cabinet secretaries of state government, other appropriate state agency heads, local elected chief executives, local emergency management directors, and local emergency planning committees, for the purpose of developing and enhancing comprehensive emergency management program policies, plans, or procedures to provide for a coordinated responsive, and integrated emergency management system in the Commonwealth;
- (2) The division may accept on behalf of the Commonwealth any grant, contribution, or fund, federal or otherwise, made to assist in meeting the costs of carrying out the provisions and purposes of KRS Chapters 39A to 39F, and fully comply with all funding requirements imposed by the receipt and use of the grant, contribution, or fund; and
- (3) The term "Division of Emergency Management" shall constitute and designate the official name of the emergency management agency of state government created pursuant to subsection (1) of this section and "Division of Emergency Management," in the exact order or form as specified in this subsection, shall not be utilized by or assigned to any other agency of state or local government, or other state or local entity, or any political subdivision of the Commonwealth to constitute or designate the official name of any such agency, entity, or political subdivision.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 3, effective July 15, 1998.

39A.040 Administrative bodies attached to division.

The following administrative bodies shall be attached to the division for administrative purposes:

- (1) Governor's Earthquake Hazards and Safety Technical Advisory Panel; and
- (2) Kentucky Emergency Response Commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 4, effective July 15, 1998.

39A.050 Responsibility of division for coordinating disaster and emergency services -- Powers, authorities, and duties.

- (1) The Division of Emergency Management shall coordinate for the Governor all matters pertaining to the comprehensive emergency management program and disaster and emergency response of the Commonwealth. The division shall be the executive branch agency of state government having primary jurisdiction, responsibility, and authority for the planning and execution of disaster and emergency assessment, mitigation, preparedness, response, and recovery for the Commonwealth; the coordination of all disaster and emergency response by and between all state agencies, all agencies of city, county, and urban-county or charter county government, all local entities, and all political subdivisions of the Commonwealth for an emergency, declared emergency, disaster, or catastrophe as contemplated in KRS 39A.010, 39A.020, or 39A.030; the coordination of, and liaison with, related or concerned federal government agencies, elected officials of other states, private organizations or private sector companies dealing with disaster and emergency response; the coordination of all recovery operations and mitigation initiatives subsequent to disasters or emergencies; and the coordination of all public information activities regarding state government disaster and emergency response operations.
- (2) The Division of Emergency Management shall have and exercise the following powers, authorities, and duties:
 - (a) To develop, administer, and maintain a statewide comprehensive emergency management program for the Commonwealth, and through it an integrated emergency management system for the disaster and emergency response of the Commonwealth, which shall be coordinated with the emergency management programs, and other related public safety, emergency response, mitigation, or disaster recovery programs, of all appropriate federal government agencies including the Federal Emergency Management Agency, the federal Department of Homeland Security, the State Department, the Federal Aviation Administration, the Centers for Disease Control and Prevention, the Department of Transportation, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Department of Defense, the National Oceanic and Atmospheric Administration, the Department of Justice, the Bureau of Alcohol, Tobacco, and Firearms, the National Transportation Safety Board, the Chemical Safety and Hazard Investigation Board, the Army Corps of Engineers, the National Security Council, the Department of Health and Human Services, the Federal Railroad Administration, the United States Geological Survey, the Department of Energy, the Nuclear Regulatory Commission, the Department of Agriculture, the Department of Housing and Urban Development, the American Red Cross, the other states, and other appropriate public or private agencies, to the fullest appropriate extent;
 - (b) To coordinate the development, implementation, and maintenance of comprehensive emergency management programs by local emergency

management agencies in the cities, counties, and urban-county or charter county governments of the Commonwealth to ensure that all such programs, agencies, and organizations are organized, administered, and operated as functional components of the integrated emergency management system of the Commonwealth;

- (c) To develop and maintain a comprehensive, risk-based, all-hazards disaster and emergency response plan entitled "Kentucky Emergency Operations Plan," the provisions of which shall establish the organizational structure to be utilized by state government for managing disaster and emergency response, and set forth the policies, procedures, and guidelines for the coordination and execution of all disaster and emergency response for an emergency, declared emergency, disaster, or catastrophe in the Commonwealth. The Kentucky Emergency Operations Plan shall be submitted to the Governor for approval when the Governor assumes office following each gubernatorial election, or at other times as the director deems appropriate. The Governor shall provide written approval of the Kentucky Emergency Operations Plan through issuance of an executive order, and the division shall file a copy of the executive order with the Legislative Research Commission. The Kentucky Emergency Operations Plan shall be the primary strategic disaster and emergency response planning component of the integrated emergency management system of the Commonwealth, and shall be utilized and followed by all state agencies, all local government agencies, all local public agencies or entities, and all other political subdivisions of the Commonwealth which may be involved in disaster and emergency response in the Commonwealth. The Kentucky Emergency Operations Plan shall be updated by the division not less than annually;
- (d) To maintain and operate the State Emergency Operations Center facility, which shall be the official and primary state government twenty-four (24) hour warning point, communications, and command center, from which the Governor, cabinet secretaries, department heads, and other state agency officials can, at any time, rapidly, adequately, and effectively manage the disaster and emergency response of the Commonwealth. The State Emergency Operations Center facility shall be the primary state direction and control component of the integrated emergency management system of the Commonwealth for the coordination of all disaster and emergency response in the Commonwealth;
- (e) To develop, monitor, and operate, on a twenty-four (24) hour per day basis, the appropriate alerting or warning systems, public safety telecommunications systems, or radio networks; any state trunked, fiber, or interactive communication systems; computer, fax, other telecommunications or information networks; and systems needed for communication and coordination with all necessary or appropriate federal, state, or local public safety, law enforcement, emergency management, or other disaster and emergency response agencies, and state or local dispatch centers in the Commonwealth, and other appropriate interests, and through these agencies

and systems to receive or disseminate emergency information, or to receive timely notification of, and continual assessment of, all threatened or actual emergency incidents or disaster situations occurring anywhere in or near the Commonwealth;

- (f) To immediately notify the Governor, the adjutant general, and the executive director of the Kentucky Office of Homeland Security, or his or her designee, in the event of any major emergency incidents or disaster occurrences, or the threatened or impending occurrence of any of these events, and to keep the Governor, the adjutant general, and the executive director of the Kentucky Office of Homeland Security, or his or her designee, informed of all actions being taken in response to these events;
- (g) To respond to the scenes of emergencies or disasters, or their threatened or impending occurrence and to directly and immediately investigate, analyze, and assess the nature and seriousness of these situations; to convene meetings, gather information, conduct briefings, and evaluate ongoing emergency response activities; take actions to execute the appropriate provisions of the Kentucky Emergency Operations Plan; coordinate the establishment and operation of a state incident management system; establish or manage sub-state or area emergency operations centers, or on-scene command posts; and fully expedite and coordinate the disaster and emergency response of the Commonwealth;
- (h) To establish and operate area field offices of the division, each office to be headed by an area manager, responsible for administering the policies, plans, programs, and duties of the division in specific geographic areas of the Commonwealth, including the coordination of comprehensive emergency management programs developed by the cities, counties, urban-county, or charter county governments in the areas;
- (i) To provide funds to the cities, counties, and urban-county or charter county governments of the Commonwealth to support the development, administration, operation, and maintenance of local emergency management agencies created pursuant to KRS Chapters 39A to 39F;
- (j) To require the regular submission of program administration data, records, materials, reports, or documents from local emergency management agencies as may be necessary and sufficient to conduct performance reviews and assessments to ensure compliance with all state or federal funding and program requirements, and to ensure local program compatibility and consistency with the mission, goals, and objectives of the comprehensive emergency management program and integrated emergency management system of the Commonwealth;
- (k) To ascertain the requirements of the Commonwealth and its cities and counties for emergency resources and the necessities of life in the event of disaster or emergency; institute an emergency resource management plan and procure emergency supplies, materials, and equipment; and use or employ in time of emergency any of the property, services, and resources of state or local

government in the Commonwealth for the purposes set forth in KRS Chapters 39A to 39F;

- (l) To institute public information and education programs, emergency management training programs, and exercise programs to test and evaluate emergency operations plans and disaster and emergency response and recovery capabilities; and
- (m) To promulgate administrative regulations to carry out the provisions of KRS Chapters 39A to 39F.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 193, sec. 5, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 82, sec. 3, effective March 28, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 5, effective July 15, 1998.

39A.060 Nature and scope of comprehensive program -- Director under direction of adjutant general.

The General Assembly recognizes that the nature and scope of the activities necessary to develop and to administer a statewide comprehensive emergency management program, together with an integrated emergency management system requires the full support, cooperation, and active participation of all cabinets, departments, divisions, offices, or agencies of state government, local elected officials, local public agencies or entities, special districts, political subdivisions of the Commonwealth, volunteer organizations, individual citizens, and the private sector in this Commonwealth. To provide effective executive leadership for a program area of such broad scope and to ensure the professional administration of the comprehensive emergency management program and integrated emergency management system of the Commonwealth, the General Assembly declares:

- (1) The Division of Emergency Management shall be headed by a director recommended by the Adjutant General and appointed by the Governor; and
- (2) The director shall have the powers, rights, responsibilities, and authorities, as provided in KRS Chapters 39A to 39F, or other laws, and shall carry out all duties under the general direction of the Adjutant General of the Department of Military Affairs.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 6, effective July 15, 1998.

39A.070 Powers, responsibilities, and duties of director.

The director, with the approval of the adjutant general, shall exercise the following powers, responsibilities, and duties:

- (1) To represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the Commonwealth;
- (2) To coordinate the development of a statewide comprehensive emergency management program, and through it, an integrated emergency management system for the disaster and emergency response of the Commonwealth;
- (3) To promulgate administrative regulations and issue orders, directives, standards, rules, procedures, guidance, or recommended practices necessary to coordinate the development, administration, organization, operation, implementation, and maintenance of the statewide comprehensive emergency management program and the integrated emergency management system of the Commonwealth;
- (4) To coordinate the development of comprehensive emergency management programs by the cities, counties, and urban-county or charter county governments as functional components of the integrated emergency management system of the Commonwealth;
- (5) To supervise the development and maintenance of the Kentucky Emergency Operations Plan, and to review and give concurrence to local emergency operations plans required pursuant to KRS Chapters 39A to 39F;
- (6) To coordinate the comprehensive emergency management program of the Commonwealth with the emergency management or other emergency response-related programs of the federal government, and of other states, to the fullest appropriate extent;
- (7) To advise the Governor and the adjutant general immediately of the occurrence or threatened or impending occurrence of any disaster or emergency, and to recommend to the Governor any emergency actions, written orders, emergency powers, or executive orders that the Governor should execute;
- (8) To serve as the Governor's primary liaison with local officials in the event of the occurrence, or threatened or impending occurrence, of any disaster or emergency in the cities, counties, urban-counties, or charter counties of the Commonwealth;
- (9) To take any other preparedness or response actions deemed necessary for adequate response to a disaster or emergency situation to include: requesting increased readiness activities by state or local agencies in advance of an actual disaster or emergency; requesting implementation of local emergency operations plans or the activation of local emergency operations centers; requesting reports from state or local agencies regarding emergency situations, damage assessments, or the taking of emergency response actions; and requesting the mobilization or deployment of any trained and equipped forces of state or local government for the disaster and emergency response purposes set forth in KRS Chapters 39A to 39F;
- (10) To request and utilize the personnel, equipment, services, and facilities of existing officers and agencies of the Commonwealth and of all political subdivisions and

special districts. All these officers and agencies shall fully cooperate with and extend their resources to the director as requested to the extent that local public safety is not unreasonably compromised;

- (11) To employ measures and give directions to the state or local boards of health as necessary for the purpose of securing compliance with the provisions of KRS Chapters 39A to 39F, or with the findings or recommendations of the boards of health, because of conditions arising from disasters, emergency situations, national security emergencies, or the threat thereof;
- (12) To request and utilize the services of state and local law enforcement officers for the purpose of securing compliance with the provisions of KRS Chapters 39A to 39F, or any order of the Governor pertaining to disaster and emergency response;
- (13) On behalf of this Commonwealth, with the approval of the Governor or act of the General Assembly, to enter into reciprocal aid agreements or compacts with other states and the federal government, either on a statewide, local, county, or city basis, or with other states or a province of a foreign country. The mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies; engineering services; emergency housing; police services; National Guard personnel and resources while under the control of the state; health, medical, and related services; firefighting; rescue; search and rescue or recovery; urban search and rescue; hazardous materials response services, transportation and construction services and equipment; personnel necessary to provide or conduct these services and other supplies, equipment, facilities, personnel, and services as needed; the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, firefighting, search and rescue, and police units, and health units; and on the terms and conditions deemed necessary;
- (14) To sponsor and develop mutual aid plans and agreements among the urban-county or charter county governments, counties, cities, and other political subdivisions and special districts of the Commonwealth, similar to the mutual aid arrangements with other states referred to in subsection (13) of this section;
- (15) To procure motor vehicles, radio and telecommunications equipment, protective clothing, safety equipment, and other necessary supplies and materials to meet the emergency response, operational, and administrative needs of the division;
- (16) To identify deficiencies existing in the emergency management program organization, facilities, and capabilities of the Commonwealth, including but not limited to: personnel and administrative resources; state, sub-state, area, or local emergency operations centers; mobile command posts; emergency telecommunications and computer systems; alerting and warning systems; stockpiles of critical resources; or any other necessary elements, and to recommend to the adjutant general, for consideration by the Governor or the General Assembly or other appropriate funding authority, the administrative or operational funding requirements, and long-range capital construction or improvement projects needed to meet the emergency management infrastructure needs of the Commonwealth;
- (17) To serve as the state coordinating officer and notify the Governor of the appropriations necessary to fund the expected emergency operational or response

costs of the division, and the Commonwealth's share of the grants provided by Pub.L.No. 93-288, Title V, Federal Disaster Assistance Programs as amended by Pub.L.No. 100-707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or successor acts or titles, and further, take action necessary to ensure entitlement to all other federal relief or assistance programs;

- (18) To cooperate with the President of the United States, the Federal Emergency Management Agency, and other appropriate federal offices and agencies, and the offices and agencies of other states in matters pertaining to the comprehensive emergency management program of the Commonwealth and nation; and in connection with these, to take any measures considered necessary to implement any request of the President and the appropriate federal offices and agencies, for any action requiring effective disaster and emergency response, including the direction or control and mobilization of disaster and emergency response forces; tests and exercises, warnings, and signals for drills or other emergency response activities and the mechanical devices to be used in connection with these; the shutting off of water mains, gas mains, electric power connections, and the suspension of all other utility services; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to a drill, emergency, declared emergency, or disaster; public meetings or gatherings; and the evacuation and sheltering of the civilian population; and
- (19) To delegate any authority vested in the director under KRS Chapters 39A to 39F and to provide for the subdelegation of any such authority.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 193, sec. 7, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 82, sec. 4, effective March 28, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 7, effective July 15, 1998.

39A.080 Seals and markings of Division of Emergency Management to be affixed on vehicles used and operated by division.

In lieu of the official seal of the Commonwealth of Kentucky, the division shall be authorized to design, display and affix the distinctive seal and markings of the Division of Emergency Management on any and all state vehicles owned, leased, or operated by the division for official purposes and operated by personnel of the division.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 115, effective July 15, 1998.

39A.090 Executive orders.

The Governor may make, amend, and rescind any executive orders as deemed necessary to carry out the provisions of KRS Chapters 39A to 39F.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 8, effective July 15, 1998.

39A.100 Emergency powers of Governor and local chief executive officers.

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
 - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;
 - (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;
 - (c) To seize, take, or condemn property, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
 1. All means of transportation and communication;
 2. All stocks of fuel of whatever nature;
 3. Food, clothing, equipment, materials, medicines, and all supplies; and
 4. Facilities, including buildings and plants;
 - (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
 - (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
 - (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (g) To declare curfews and establish their limits;
 - (h) To prohibit or limit the sale or consumption of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;
 - (i) Except as prohibited by this section or other law, to perform and exercise other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;

- (j) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
 - (k) Upon the recommendation of the Secretary of State, to declare by executive order a different time or place for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow.
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
 - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (c) To declare curfews and establish their limits;
 - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
 - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (3) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

Effective: March 8, 2006

History: Amended 2006 Ky. Acts ch. 7, sec. 1, effective March 8, 2006; and ch. 240, sec. 10, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 91, sec. 1, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 226, sec. 9, effective July 15, 1998.

Legislative Research Commission Note (7/12/2006). This section was amended by 2006 Ky. Acts chs. 7 and 240, which do not appear to be in conflict and have been codified together.

39A.110 Compensation for property taken for temporary use -- Notice to owner of property where title taken.

If property is taken for temporary use, pursuant to the provisions of this chapter, the Governor shall, within thirty (30) days of the taking, fix the amount of compensation to be paid for the property. If the property is returned to the owner in a damaged condition or is not returned to the owner, the Governor shall, within thirty (30) days after the taking, fix the amount of compensation to be paid for the damage or failure to return. When the Governor deems it advisable for the state to take title to property taken under this section, the owner shall be notified in writing by certified mail, return receipt requested, and a copy of the notice shall be filed with the Secretary of State.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 10, effective July 15, 1998.

39A.120 Procedure when owner refuses to accept compensation fixed by Governor.

If the owner of any property seized, taken, or condemned pursuant to KRS 39A.110 refuses to accept as adequate the compensation fixed by the Governor, the owner may present a claim to the Board of Claims, which shall hear and determine it according to the provisions of KRS Chapter 44 and the administrative regulations of the board.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 11, effective July 15, 1998.

39A.130 Appeal from award of Board of Claims.

- (1) The owner of property seized, taken, or condemned may appeal from the award of the Board of Claims to the Circuit Court of the county of the owner's residence. The Rules of Civil Procedure shall, so far as applicable, govern the procedure on appeal. A trial de novo shall not be allowed unless the record on appeal is not sufficient to determine the matter from the record, but if the action is tried, it shall be tried according to the practice prescribed for the trial of jury cases.
- (2) An appeal from the judgment of Circuit Court may be taken to the Court of Appeals.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 12, effective July 15, 1998.

39A.140 Procedure for payment of compensation.

- (1) If the owner of property seized, taken, or condemned accepts as adequate the compensation fixed by the Governor, the owner shall file a statement of the amount of compensation from the Governor with the Finance and Administration Cabinet, which shall draw a warrant on the State Treasurer for the amount of the compensation in favor of the person entitled to payment.
- (2) If the compensation is determined by award of the Board of Claims or judgment of a court, as provided in KRS 39A.110, 39A.120, and 39A.130, a certified copy of the award or judgment shall be filed with the Finance and Administration Cabinet which shall draw a warrant on the State Treasurer for the amount of the award or judgment.
- (3) The State Treasurer shall pay the warrants out of any money in the Treasury not otherwise appropriated.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 13, effective July 15, 1998.

39A.150 Traffic control plans -- Executive orders.

- (1) The Kentucky Emergency Operations Plan and local emergency operations plans shall include measures for, and the Governor for the state or portion thereof, the county judge/executive for a county other than an urban-county, or a portion thereof, and the mayor for a city or an urban-county or portion thereof, may issue written executive orders providing for:
 - (a) The control of traffic in order to provide for rapid and safe movement in evacuation over public highways and streets during any disaster or emergency;
 - (b) The control and alteration of speed limits and traffic regulations on public highways during any disaster or emergency; and
 - (c) The prohibition or limitation of use of motor vehicles on public highways during any disaster or emergency.
- (2) The Governor may extend the provisions of subsection (1) of this section to the public thoroughfares of any political subdivision of the Commonwealth.
- (3) The Governor may order agencies of state government and political subdivisions of the Commonwealth to take steps necessary to effectuate plans made or orders issued pursuant to this section.
- (4) During a declared emergency or disaster, the Governor, county judge/executive, or mayor, may, for their respective jurisdictions, place these plans in effect.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 14, effective July 15, 1998.

39A.160 Witnesses -- Production of records and documents.

For the purpose of making surveys and investigations and obtaining information which may be necessary to the operation or enforcement of KRS Chapters 39A to 39F, the Governor, or the director with the written approval of the Governor, may compel by subpoena the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations. All officers, boards, commissions, and divisions of the state, the political subdivisions thereof, and special districts, having information which is the subject of the investigation, shall cooperate with and assist the Governor or the director in making the investigation and surveys.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 15, effective July 15, 1998.

39A.170 Lease or loan of real or personal property of state government -- Disaster and emergency response activities of state employees.

- (1) Notwithstanding any inconsistent provision of law, the Governor may, when it is found to be in the public interest:
 - (a) Authorize any division or agency of the state to lease or lend, on such terms and conditions as deemed necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government to the President of the United States, the chiefs of the Armed Forces, or to the Federal Emergency Management Agency;
 - (b) Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state on such terms and conditions as may be deemed necessary to promote the public welfare and protect the interests of the state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state; and
 - (c) Permit state employees to engage in disaster and emergency response activities, within or without the state, for the division, or for a local jurisdiction upon request of a local emergency management agency to the division. State employees assigned to or volunteering for this duty shall be considered as being employed by the agency by which they are regularly employed and shall continue to receive salary and benefits while engaging in disaster and emergency response work.
- (2) The permission of the Governor for the use of state employees in the manner specified in subsection (1)(c) of this section shall be presumed, and shall be automatic unless the Governor specifies otherwise with regard to the use of a specific employee or employees.
- (3) The Chief Justice for the Court of Justice and the Director of the Legislative Research Commission, with regard to employees of their respective branches of government, may permit Court of Justice and legislative employees to engage in disaster and emergency services work under the same terms and conditions as specified in subsections (1) and (2) of this section.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 16, effective July 15, 1998.

39A.180 Orders and administrative regulations of political subdivisions -- Enforcement.

- (1) The political subdivisions of the state and other agencies designated or appointed by the Governor may make, amend, and rescind orders and promulgate administrative regulations necessary for disaster and emergency response purposes, and to supplement the carrying out of the provisions of this chapter, if not inconsistent with any orders or administrative regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor.
- (2) All written orders and administrative regulations promulgated by the Governor, the director, or by any political subdivision or other agency authorized by KRS Chapters 39A to 39F to make orders and promulgate administrative regulations, shall have the full force of law, when, if issued by the Governor, the director, or any state agency, a copy is filed with the Legislative Research Commission, or, if promulgated by an agency or political subdivision of the state, when filed in the office of the clerk of that political subdivision or agency. All existing laws, ordinances, and administrative regulations inconsistent with the provisions of KRS Chapters 39A to 39F, or of any order or administrative regulation issued under the authority of KRS Chapters 39A to 39F, shall be suspended during the period of time and to the extent that the conflict exists.
- (3) The law enforcement authorities of the state and of its counties, urban-counties, charter counties, and cities shall enforce the written orders and administrative regulations issued pursuant to KRS Chapters 39A to 39F.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 17, effective July 15, 1998.

39A.190 Power of arrest for violation of order or administrative regulation.

A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in the officer's presence any order or administrative regulation made pursuant to this chapter, or KRS Chapter 39B, 39C, 39D, 39E, or 39F.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 18, effective July 15, 1998.

39A.200 Authority to receive services, equipment, supplies, materials, or funds from federal government.

When the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of disaster and emergency response, the state, acting through the Governor, or the political subdivision, acting through its chief executive or governing body, may accept the offer and upon acceptance the Governor of the state or chief executive or governing body of the political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive the services, equipment, supplies, materials, or funds on behalf of the state or the political subdivision, and subject to the terms of the offer.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 19, effective July 15, 1998.

39A.210 Qualifications and oath of persons connected with disaster and emergency response organizations.

No person shall be employed or associated in any capacity in any disaster and emergency response organization established under this chapter who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for disaster and emergency response shall, before entering upon his or her duties, take an oath, in writing, before a person authorized to administer oaths in this Commonwealth, which shall be as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this Commonwealth and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of emergency management director according to law;

And I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offended, so help me God."

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 20, effective July 15, 1998.

39A.220 Agency emergency operations procedures.

- (1) Each agency, board, or commission of state government, unless the requirement is waived, in writing, by the director, shall develop agency emergency operations procedures which are consistent with and which meet the requirements of the Kentucky Emergency Operations Plan. The agency emergency operations procedures shall be updated not less than yearly.
- (2) Each agency, board, or commission of state government shall take those measures necessary to ensure that it can continue to operate during times of disaster or emergency, that it can protect its vital records, and that it has designated at least four (4) persons, preferably by title, who may act for the agency, and for its major component operations, during an emergency or disaster if the primary person with the power to make necessary decisions is unavailable for any reason.
- (3) In carrying out the provisions of subsections (1) and (2) of this section, each agency, board, or commission of state government shall follow the general planning guidance of the division and the requirements of administrative regulations promulgated by the division.
- (4) Each agency, board, or commission of state government shall train its employees with regard to the contents of the agency emergency operations procedures, and shall give any additional training necessary to implement the procedures during times of emergency or disaster.
- (5) Each agency, board, or commission of state government shall, upon request of the director, send an employee of the agency with full authority to take any action on behalf of the agency to the State Emergency Operations Center, area offices of the division, state command posts or other designated location during periods of emergency or disaster.
- (6) As used in this section, agency, board, or commission means all agencies, unless the requirement is waived, in writing, by the director, listed in KRS 12.020, other state bodies created by executive order of the Governor, the Legislative Research Commission, and the Court of Justice and its agencies.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 21, effective July 15, 1998.

39A.230 Procedures for one multirisk, multiagency, unified incident command or management system.

- (1) The Kentucky Emergency Operations Plan shall include procedures for one multirisk, multiagency, unified incident command or management system to be used by all state agencies responding to the scene of an emergency, declared emergency, disaster, or catastrophe, as contemplated by KRS 39A.010, 39A.020, or 39A.030.
- (2) Local emergency operations plans shall include procedures for:
 - (a) An incident command or management system to be used by individual local agencies or departments when responding to the scene of day-to-day, routine emergency incidents; and
 - (b) One unified incident command or management system to be used by all local agencies or departments when responding to the scene of a multiagency or multijurisdictional emergency, declared emergency, disaster, or catastrophe, as contemplated by KRS 39A.010, 39A.020, or 39A.030.
- (3) All incident command or management system procedures required pursuant to subsections (1) or (2) of this section shall be based upon or utilize the five (5) functions of: command, operations, planning, logistics, and finance.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 22, effective July 15, 1998.

39A.240 State Emergency Operations Center -- Agency representatives.

- (1) The division shall maintain the State Emergency Operations Center and those alternate locations deemed necessary, and shall activate the State Emergency Operations Center when deemed necessary by the director, the Adjutant General, or the Governor.
- (2) Each cabinet of state government, and each independent agency of state government, and other organizations provided for in the Kentucky Emergency Operations Plan shall immediately send a designated person to the State Emergency Operations Center upon request of the director, during a time of emergency or disaster or the threatened or impending happening of such an incident. They shall remain at the State Emergency Operations Center until relieved and replaced, unless released by the director.
- (3) Persons representing agencies of state government or other organizations assigned to the State Emergency Operations Center during times of emergency or disaster or the threatened or impending happening thereof may obligate the funds, equipment, and personnel of the organization which they represent, and make decisions on behalf of the organization which they represent.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 23, effective July 15, 1998.

39A.250 Superseded by KRS 39A. 280, 1998.

Effective: July 15, 1998

History: Superseded by 1998 Ky. Acts ch. 488, sec. 2, effective July 15, 1998. --
Created by 1998 Ky. Acts ch. 488, sec. 2.

39A.260 Mutual aid agreements with other states -- Workers' compensation.

- (1) The division may enter into agreements with other states with regard to mutual aid for routine provision of emergency management services or for mutual aid during times of emergency or disaster, or any combination of these.
- (2) Kentucky emergency management personnel, either working for the state or local government or affiliated with the state or a local government, paid or volunteer, shall, to the extent provided by the law of the host state, have the same rights and privileges as they have in Kentucky.
- (3) Emergency management personnel, either working for the state or a local government or affiliated with the state or a local government of another state, paid or volunteer, shall, to the extent provided by Kentucky law, have the same rights and privileges as do Kentucky emergency management personnel working for the state or local government or affiliated with the state or a local government, whether paid or volunteer. This provision shall not apply to the provision of peace officer services, unless approved in writing by the Governor, or the General Assembly, as appropriate for the specific incident.
- (4) Kentucky emergency management-provided workers' compensation shall apply to a state or local emergency management agency worker, paid or volunteer, or worker in an operating unit officially affiliated with the division, or worker in a local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070, who is serving in another state pursuant to an agreement consummated under this section.
- (5) An emergency management worker from another state, paid or volunteer, who is working for or affiliated with the state emergency management agency and who is serving in Kentucky pursuant to an agreement consummated under this section may be accorded Kentucky emergency management workers' compensation coverage by action of the director.
- (6) The provisions of subsections (4) and (5) of this section shall not apply to hazardous materials emergency response operations defined in 29 C.F.R. 1910.120 which are above the first-responder operations level, on-scene incident commander level excluded.
- (7) An emergency management worker from another state, paid or volunteer, who is working for the state emergency management agency or a local emergency management agency or a worker in an organization affiliated with the state or local emergency management agency of another state who holds license or certification from the worker's state to practice a profession, or paraprofessional activity, or other activity for which a license or certification is required to practice that activity in Kentucky shall be, for the period of that work, under an agreement consummated pursuant to this chapter, considered as properly licensed or certified in Kentucky to perform the services granted by the worker's license or certification. The worker shall, however, while in Kentucky, be subject to discipline by the appropriate Kentucky licensing or certifying agency for acts of misconduct or negligence which are committed in Kentucky.

- (8) City, county, urban-county, or charter county emergency management agencies in Kentucky may make written agreements with similar local emergency management agencies in adjoining states if the agreements are submitted to the state emergency management agencies of both states and are approved in writing by the directors of both agencies. Agreements pursuant to this section shall be subject to the same rights and privileges as state agreements under this section, but shall be limited to two (2) years, unless renewed by submission of a new agreement for approval.
- (9) The provisions of this section shall be subject to the provisions of all applicable federal law.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 25, effective July 15, 1998.

39A.270 Use of publicly owned resources at impending, happening, or response phase of disaster or emergency.

- (1) During the threatened or impending happening of a disaster or emergency, the Governor, the Adjutant General, or the Director may authorize the use of public employees, equipment, supplies, materials, funds, or any other publicly owned or supported resources to assist in the mitigation of the potential effects of the disaster or emergency, regardless of whether the use is on public or private property.
- (2) During the actual happening of and any part of the response phase of a disaster or emergency the Governor, the Adjutant General, or the Director, shall, when necessary or desirable, authorize the use of public employees, equipment, supplies, materials, funds, or any other publicly owned or supported resource to assist in the operations of government, or the private sector, necessary to deal with the disaster or emergency, regardless of whether the use is on public or private property.
- (3) After the active or response phase of the disaster or emergency has passed and the recovery phase has begun, the Governor, the Adjutant General, or the Director may authorize the use of public employees, equipment, supplies, funds, or any other publicly owned or supported resources to assist in the recovery phase of the disaster or emergency, regardless of whether the use is on public or private property.
- (4) A formal declaration of disaster or emergency shall not be necessary to invoke the provisions of subsection (1) or (2) of this section.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 26, effective July 15, 1998.

39A.280 Nature of disaster and emergency response functions provided by state or local management agency -- Immunity, exceptions.

- (1) Disaster and emergency response functions provided by a state or local emergency management agency, or any emergency management agency-supervised operating units or personnel officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070, shall not, in itself, be deemed to be the making of a promise, or the undertaking of a special duty, towards any person for the services, or any particular level of, or manner of providing, the services; nor shall the provision of or failure to provide these services be deemed to create a special relationship or duty towards any person upon which an action in negligence or other tort might be founded. Specifically:
 - (a) The failure to respond to a disaster or other emergency, or to undertake particular inspections or types of inspections, or to maintain any particular level of personnel, equipment, or facilities, shall not be a breach of any duty to persons affected by any disaster or other emergency.
 - (b) When a state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, does undertake to respond to a disaster or other emergency, the failure to provide the same level or manner of service, or equivalent availability or allocation of resources as may or could be provided, shall not be a breach of any duty to persons affected by that disaster or other emergency.
 - (c) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization shall not have or assume any duty towards any person to adopt, use, or avoid any particular strategy or tactic in responding to a disaster or other emergency.
 - (d) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, in undertaking disaster and emergency preparedness or prevention activities including inspections, or in undertaking to respond to a disaster or other emergency, shall not have voluntarily assumed any special duty with respect to any risks which were not created or caused by it, nor with respect to any risks which might have existed even in the absence of that activity or response, nor shall any person have a right to rely on such an assumption of duty.
- (2) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any of its political subdivisions, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management agency member, or disaster and emergency services member, or disaster and emergency response worker, or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the

state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection. This immunity shall not affect the right of any person to receive benefits or compensation to which the person might otherwise be entitled under the Workers' Compensation Law, or this chapter, or any pension law, or any Act of Congress.

- (3) Subject to subsection (6) of this section, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any of its political divisions, nor any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity, complying with or reasonably attempting to comply with this chapter or any order or administrative regulation promulgated pursuant to the provisions of this chapter, or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of that activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.
- (4) Decisions of the director, his subordinates or employees, a local emergency management director, or the local director's subordinates or employees, a rescue chief or the chief's subordinates, concerning the allocation and assignment of personnel and equipment, and the strategies and tactics used, shall be the exercise of a discretionary, policy function for which neither the officer nor the state, county, urban-county, charter county, or city, or local emergency management agency-supervised operating unit formally affiliated with a local disaster and emergency services organization, shall be held liable in the absence of malice or bad faith, even when those decisions are made rapidly in response to the exigencies of an emergency.
- (5) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part of the real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster or emergency, together with his or her successors in interest, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about the real estate or premises for loss of, or damage to, the property of that person. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains

liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.

- (6) Subsection (3) of this section shall apply to a volunteer or auxiliary disaster and emergency response worker only if the volunteer or worker is enrolled or registered with a local disaster and emergency services organization or with the division in accordance with the division's administrative regulations.
- (7) While engaged in disaster and emergency response activity, volunteers and auxiliary disaster and emergency response workers enrolled or registered with a local disaster and emergency service organization or with the division in accordance with subsection (6) of this section shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work, including the provisions of KRS 12.211, 12.212, and 12.215, allowing the Attorney General to provide defense of any civil action brought against a volunteer enrolled or registered with a local disaster or emergency service organization or with the division due to an act or omission made in the scope and course of a disaster and emergency response activity.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 488, sec. 2, effective July 15, 1998, superseding 1998 Ky. Acts ch. 226, sec. 24, effective July 15, 1998.

39A.283 Short title for KRS 39A.050, 39A.070, and 39A.285.

KRS 39A.050, 39A.070, and 39A.285 may be cited as the Antiterrorism Act of 2002.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 193, sec. 9, effective July 12, 2006. -- Created 2002 Ky. Acts ch. 82, sec. 1, effective March 28, 2002.

39A.285 Legislative findings.

The General Assembly hereby finds that:

- (1) No government by itself can guarantee perfect security from acts of war or terrorism.
- (2) The security and well-being of the public depend not just on government, but rest in large measure upon individual citizens of the Commonwealth and their level of understanding, preparation, and vigilance.
- (3) The safety and security of the Commonwealth cannot be achieved apart from reliance upon Almighty God as set forth in the public speeches and proclamations of American Presidents, including Abraham Lincoln's historic March 30, 1863, Presidential Proclamation urging Americans to pray and fast during one of the most dangerous hours in American history, and the text of President John F. Kennedy's November 22, 1963, national security speech which concluded: "For as was written long ago: 'Except the Lord keep the city, the watchman waketh but in vain.' "

Effective: March 28, 2002

History: Created 2002 Ky. Acts ch. 82, sec. 2, effective March 28, 2002.

39A.287 Repealed, 2006.

Catchline at repeal: Preparedness of Commonwealth to respond to acts of war or terrorism -- Annual assessment.

History: Repealed 2006 Ky. Acts ch. 193, sec. 16, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 68, sec. 2, effective March 18, 2003. -- Created 2002 Ky. Acts ch. 82, sec. 5, effective March 28, 2002.

39A.295 Taking of property or rights guaranteed by KRS 287.102 or 237.104 not authorized -- Rights of relocated persons unaffected.

- (1) Nothing in KRS 39A.100, 39A.110, 39A.120, 39A.130, or 39A.140, or any other provision of this chapter, shall authorize a taking of property or the taking of any action which is in violation of KRS 237.102 or 237.104.
- (2) If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by KRS 237.102 and 237.104.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 240, sec. 9, effective July 12, 2006.

39A.300 Disaster Relief Funding Program.

- (1) The Disaster Relief Funding Program is established and shall be administered by the Division of Emergency Management in accordance with the provisions of this section.
- (2) A Disaster Relief Funding Program trust fund is established as a separate revolving fund. The trust fund shall be administered by the Division of Emergency Management and the proceeds shall be used to support the Disaster Relief Funding Program.
- (3)
 - (a)
 1. The Disaster Relief Funding Program trust fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private.
 2. The Disaster Relief Funding Program trust fund shall not publicly advertise for or solicit contributions from the general public that could potentially impact fundraising efforts of not-for-profit disaster relief agencies.
 - (b) Trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
 - (c) Any interest earnings of the trust fund shall become a part of the trust fund and shall not lapse.
 - (d) Any funds deposited in the trust fund are hereby appropriated for the purposes set forth in this section.
- (4) Eligibility for funds under the Disaster Relief Funding Program shall be limited to cities, counties, urban-counties, charter counties, and consolidated local governments of the Commonwealth and individuals who have disaster-related needs that cannot or will not be met by other relief agencies and who are residents of, and living in, the Commonwealth on the date of the emergency.
- (5)
 - (a) Eligible applicants located in an area where there has been a declared emergency by the Governor, as defined in KRS 39A.020, may receive financial assistance when federal authorities decline to issue a federal declaration of disaster and federal assistance will not be forthcoming.
 - (b) Cities, counties, urban-counties, charter counties, and consolidated local governments of the Commonwealth that are eligible applicants may receive financial assistance to pay the state contribution required by the federal government in cases where there has been a federal declaration of disaster.
- (6) The Division of Emergency Management shall promulgate administrative regulations necessary to carry out the provisions of this section.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 56, sec. 1, effective June 20, 2005.

39A.350 Definitions for KRS 39A.350 to 39A.366.

As used in KRS 39A.350 to 39A.366:

- (1) "Disaster relief organization" means an entity that provides emergency or disaster relief services that include health services provided by volunteer health practitioners and that:
 - (a) Is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government or the Kentucky Division of Emergency Management; or
 - (b) Regularly plans and conducts its activities in coordination with an agency of the federal government or the Kentucky Division of Emergency Management;
- (2) "Emergency" has the same meaning as used in KRS 39A.020;
- (3) "Emergency declaration" has the same meaning as "declared emergency" as used in KRS 39A.020;
- (4) "Emergency Management Assistance Compact" means the interstate compact established under KRS 39A.950;
- (5) "Health facility" has the same meaning as used in KRS 216B.015;
- (6) "Health practitioner" means an individual licensed under the laws of this or another state to provide health services;
- (7) "Health services" means:
 - (a) The provision of treatment, care, advice or guidance, other services, or supplies related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including:
 1. The following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:
 - a. Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and
 - b. Counseling, assessment, procedures, or other services;
 2. Sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and
 3. Funeral, cremation, cemetery, or other mortuary services; or
 - (b) The provision of treatment, care, advice or guidance, other services, or supplies related to the health or death of an animal or to animal populations, to the extent necessary to respond to an emergency, including:
 1. Diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;
 2. Use of a procedure for reproductive management; and
 3. Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans;
- (8) "Host entity" means an entity operating in this state which uses volunteer health practitioners to respond to an emergency;

- (9) "License" means authorization by a state to engage in health services that are unlawful without the authorization. The term includes authorization under the laws of this state to an individual to provide health services based upon a national certification issued by a public or private entity;
- (10) "Scope of practice" means the extent of the authorization to provide health services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority; and
- (11) "Voluntary health practitioner" means a health practitioner who provides health services, whether or not the practitioner receives compensation for those services. The term does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state while an emergency declaration is in effect.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 1, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.352 Volunteer health practitioners -- Application of KRS 39A.350 to 39A.366.

KRS 39A.350 to 39A.366 shall apply to volunteer health practitioners registered with a registration system that complies with KRS 39A.350 to 39A.366 and who provide health services in this state for a host entity while an emergency declaration is in effect.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 2, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.354 Regulation of practice of volunteer health practitioners during a medical emergency.

- (1) While an emergency declaration is in effect, the Cabinet for Health and Family Services in coordination with the Kentucky Division of Emergency Management and the appropriate Kentucky licensure boards may regulate:
 - (a) The duration and scope of practice by volunteer health practitioners;
 - (b) The geographical areas in which volunteer health practitioners may practice;
 - (c) The types of volunteer health practitioners who may practice; and
 - (d) Any other matters necessary to coordinate effectively the provision of health services during the emergency.
- (2) An order issued pursuant to subsection (1) of this section may take effect immediately, without prior notice or comment.
- (3) A host entity that uses volunteer health practitioners to provide health services in this state shall:
 - (a) Consult and coordinate its activities with the Cabinet for Health and Family Services to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and
 - (b) Comply with any laws relating to the management of emergency health services, in addition to KRS 39A.350 to 39A.366.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 3, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.356 Operation of emergency system for advanced registration of volunteer health practitioners -- Relationship between Cabinet for Health and Family Services and other organizations -- Funding.

- (1) The Cabinet for Health and Family Services shall operate the emergency system for advanced registration of volunteer health practitioners. The system shall:
 - (a) Accept applications for the registration of volunteer health practitioners before or during an emergency;
 - (b) Include information about the licensure and good standing of health practitioners that is accessible by authorized persons; and
 - (c) Be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services are provided under KRS 39A.350 to 39A.366.
- (2) The following organizations may maintain a list consisting of trained and equipped emergency response, public health, and medical personnel:
 - (a) Local units formed under Section 300hh of Title 42 of the United States Code;
 - (b) Disaster relief organizations;
 - (c) Licensing boards;
 - (d) National or regional associations of licensing boards of health practitioners;
 - (e) Health facilities that provide comprehensive inpatient and outpatient health-care services, including a tertiary care and teaching hospital; or
 - (f) Governmental entities.
- (3) The organizations listed in subsection (2) of this section shall develop a collaborative relationship with the cabinet for the purposes of KRS 39A.350 to 39A.366 and for the purposes of being recognized by the cabinet as a voluntary response resource.
- (4) The cabinet may receive state appropriations, gifts, grants, federal funds, and any other public or private funds to establish or maintain the registration system established in subsection (1) of this section.
- (5) While an emergency declaration is in effect, representatives of the Cabinet for Health and Family Services or a host entity may confirm whether volunteer health practitioners utilized in this state are registered with the registration system that complies with subsection (1) of this section. Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.
- (6) Upon request of a person in this state authorized under subsection (2) of this section, or a similarly authorized person in another state, a registration system located in this state shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 4, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof.

However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.358 Volunteer practitioners to adhere to scope of practice for similarly licensed Kentucky practitioners.

A volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 5, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.360 Prohibition upon limitation of rights, privileges, or immunities provided to volunteer practitioners under other laws -- KRS 39A.350 to 39A.366 not to affect requirements of the Emergency Management Assistance Compact.

- (1) KRS 39A.350 to 39A.366 shall not limit rights, privileges, or immunities provided to volunteer health practitioners by laws other than KRS 39A.350 to 39A.366.
- (2) KRS 39A.350 to 39A.366 shall not affect requirements for the use of health practitioners pursuant to the Emergency Management Assistance Compact.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 6, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.362 Administrative regulations for implementation of KRS 39A.350 to 39A.366 -- Consultation among Cabinet for Health and Family Services, Kentucky Division of Emergency Management, and similarly empowered agencies in other states.

The Cabinet for Health and Family Services may promulgate administrative regulations to implement KRS 39A.350 to 39A.366. In doing so, the Cabinet for Health and Family Services shall consult with and consider the recommendations of the Kentucky Division of Emergency Management and shall also consult with and consider administrative regulations promulgated by similarly empowered agencies in other states to promote uniformity of application of KRS 39A.350 to 39A.366 and make the emergency response systems in the various states reasonably compatible.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 7, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.364 Application and construction of KRS 39A.350 to 39A.366 -- Need to promote uniformity of laws among enacting states.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 8, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.366 39A.366 Good Samaritan Act of 2007 -- Short title for KRS 39A.350 to 39A.366.

KRS 39A.350 to 39A.366 shall be known as the Good Samaritan Act of 2007.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 96, sec. 9, effective June 26, 2007

Legislative Research Commission Note (6/26/2007) 2007 Ky. Acts ch. 96 (2007 House Bill 287) "established" KRS Chapter 39G and created new sections thereof. However, at the time that House Bill 287 was enacted another KRS Chapter 39G was already in existence. The Reviser of Statutes determined that the newly created sections would be more appropriately placed in KRS Chapter 39A and has placed Sections 1 to 9 of Acts ch. 96 within KRS Chapter 39A, under the authority of KRS 7.136(1)(a).

39A.950 Emergency Management Assistance Compact.

Emergency Management Assistance Compact

ARTICLE I. Purpose and Authorities.

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

ARTICLE II. General Implementation.

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the Governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III. Party State Responsibilities.

- A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed

in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

1. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack;
 2. Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;
 3. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;
 4. Assist in warning communities adjacent to or crossing the state boundaries;
 5. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;
 6. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and
 7. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.
- B. The authorized representative of a party state may request assistance to another party state by contracting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty (30) days of the verbal request. Requests shall provide the following information:
1. A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;
 2. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed and;
 3. The specific place and time for staging of the assisting party's response and a point of contact at that location.
- C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV. Limitations.

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the Governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

ARTICLE V. Licenses and Permits.

Whenever any person holds a license, certificate, or other permit issued by any party state to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving state party, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI. Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII. Supplementary Agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII. Compensation.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX. Reimbursement.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

ARTICLE X. Evacuation.

Plans for the orderly evacuation and interstate reception for portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines, and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI. Implementation.

- A. This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.
- B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty (30) days after the Governor of the withdrawing state has given notice in writing of such withdrawal to

the Governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

- C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

ARTICLE XII. Validity.

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected.

ARTICLE XIII. Additional Provisions.

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18 of the United States Code.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 117, sec. 1, effective July 15, 1998.

39A.990 Penalty.

Any person violating any provision of this chapter or any administrative regulation or order promulgated pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 27, effective July 15, 1998.

39B.010 Local emergency management to be maintained -- Unified local emergency management agency.

- (1) Each city, county, urban-county or charter county government of this Commonwealth shall create, support, and maintain a local emergency management agency, which shall serve the public safety interest of the local government within the territorial boundaries of the city or county where the agency is created. Each local emergency management agency shall develop, implement, and maintain a local comprehensive emergency management program, including a local emergency operations plan, in accordance with the provisions of KRS Chapters 39A to 39F. The local emergency management agency shall be an integral component of the statewide integrated emergency management system of this Commonwealth, and shall fully comply with all applicable provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the Commonwealth, the provisions of the Kentucky Emergency Operations Plan, and all administrative regulations promulgated by the Division of Emergency Management.
- (2) Each county government, and the urban-county, charter county, or city governments located within the territorial boundaries of a county, are encouraged to jointly create a single, unified local emergency management agency to serve all local governments collectively, and therefore may, in lieu of creating individual and separate local agencies, jointly create a single, unified local emergency management agency, provided the agency and its program:
 - (a) Fully comply with all the provisions of KRS Chapters 39A to 39F;
 - (b) Comply with the Interlocal Cooperation Act or locally adopted memorandums of agreement, as necessary and appropriate; and
 - (c) Are determined to be in compliance with all requirements of KRS Chapters 39A to 39F by the director of the Division of Emergency Management.
- (3) The local emergency management agency shall be an organizational unit of the executive branch of city, county, and urban-county or charter county government and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the local comprehensive emergency management program and, under the general supervision of the local emergency management director, shall serve as a direct function of the office of county judge/executive or mayor. In accordance with the policies of the state-local finance officer, a separate emergency management agency fund account shall be designated and included in the city, county, and urban-county or charter county budget ledgers, and all financial matters of a local emergency management agency, involving funds provided through the Division of Emergency Management, shall be handled through the county, urban-county, or charter county treasury and financial system.
- (4) City, county, and urban-county or charter county governments may use the term "emergency management" in a manner or form appropriate to constitute and designate the official name of the local emergency management agency established pursuant to this chapter, except for any use of the term "Division of Emergency Management" specified to constitute and designate the official name of the state

emergency management agency pursuant to KRS 39A.030. The term "emergency management" may be used in a manner or form appropriate to constitute and designate the official name of a local emergency management council, or the statewide association of emergency management agencies or personnel, but shall not be utilized by, assigned to, or otherwise specified by any local unit, agency, or department, or any political subdivision of the Commonwealth in any manner or form to constitute or designate the official name of the local unit, agency, or department, or political subdivision, except as authorized in this subsection.

- (5) All local emergency management agencies or local disaster and emergency services organizations in the Commonwealth, and the local directors, and members of each, shall, for all purposes, be under the direction of the director of the division, and of the Governor when the latter deems that action necessary.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 29, effective July 15, 1998.

39B.020 Local emergency management director -- Joint appointment of a single local emergency management director -- Qualifications.

- (1) The county judge/executive of each county, the mayor of each city, consolidated local government, or urban-county government, or the chief executive of other local government, within thirty (30) days of assuming office following their election, shall appoint a local emergency management director who meets all qualifications criteria pursuant to KRS Chapters 39A to 39F, and shall immediately notify the director of the Division of Emergency Management of the appointment.
- (2) Except in a county containing a consolidated local government, in lieu of appointing a separate local emergency management director for each jurisdiction, the county judge/executive of a county and mayors of cities or urban-county governments, or the chief executive of other local government located within the territorial boundaries of the same county may jointly appoint a single local emergency management director who meets all the qualifications criteria pursuant to KRS Chapters 39A to 39F. It is the policy of the Division of Emergency Management to encourage and support the joint appointment of a single local director in each territorial county of the Commonwealth. The duly appointed local emergency management director shall direct, control, and manage all the affairs of the local emergency management agency and comprehensive emergency management program of the jurisdictions wherein appointed.
- (3) A local emergency management director appointed under the provisions of subsection (1) or (2) of this section shall serve at the pleasure of the appointing authority, but shall serve not longer than four (4) years without reappointment and, in addition to any local requirements, shall meet the qualification requirements listed in this subsection:
 - (a) The local director shall be a high school graduate with an additional three (3) years of experience in business administration, government planning, industrial or commercial planning, public safety, management of emergency services, or related community or governmental service. Management level experience may not be substituted for high school education. Education at an accredited college or university may be substituted for experience on a year-for-year basis.
 - (b) The local director shall be a resident of the Commonwealth of Kentucky and the county served.
 - (c) The local director shall hold no partisan elective office, nor file for, seek, or campaign for any partisan elective office while holding the position of local emergency management director.
 - (d) The local director shall be routinely available to respond to emergency scenes, command posts, or emergency operations centers to coordinate emergency response of all local public and private agencies and organizations; to perform necessary administrative, planning, and organizational duties; to complete and submit required reports, records, emergency operations plans, and documents; to attend required training; and to attend meetings convened by the appointing authority or the area manager of the division.

1. If the local director is also a full-time or part-time employee of the federal or state government, the local director shall have written authorization from the appropriate appointing authority to hold the position of local emergency management director and to fully comply with the provisions of paragraph (d) of this subsection. A copy of the written authorization shall be submitted to the division at the time of appointment.
 2. If the local director is also a full-time or part-time employee of a city, county, urban-county government, or charter county government in another capacity, that government shall enact an official city or county order or ordinance specifying that the individual appointed as local emergency management director shall fully comply with the provisions of paragraph (d) of this subsection. The order or ordinance shall also specify that the individual, when performing the duties of local emergency management director, shall relinquish all authorities and responsibilities associated with any other governmental employment and shall indicate another person, by name or position, to assume those authorities and responsibilities until such time as the local director shall cease to function as local emergency management director. A copy of the enacted order or ordinance shall be submitted to the division at the time of appointment. The city, county, urban-county government, or charter county government shall not seek reimbursement from the division for the local director's salary for any time spent in another capacity.
 3. If the local director is also a full-time or part-time employee in the private sector, the local director shall have a letter from each employer stating that the local director shall, without penalty or exception, be permitted to fully comply with the provisions of paragraph (d) of this subsection. A copy of the letter from each employer shall be submitted to the division at the time of appointment.
 4. If the local director is self-employed, the local director shall certify at the time of appointment, by letter to the director of the division, that the local director's schedule shall permit full compliance with the provisions of paragraph (d) of this subsection.
- (4) A local director whose salary has been reimbursed by the division prior to January 1, 1994, shall not be subject to the provisions of subsection (3)(a) of this section, so long as remaining continuously in that position for the appointing jurisdiction.
- (5) A local director whose salary is reimbursed in part or in full by the Division of Emergency Management pursuant to KRS 39C.010 and 39C.020, shall also meet any other requirements of KRS Chapters 39A to 39F and any requirements which may be imposed by the Federal Emergency Management Agency, or its successor.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 9, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 30, effective July 15, 1998.

39B.030 Powers, authorities, rights, and duties of local director -- Development of organizational structure.

A local emergency management director, appointed pursuant to this chapter, shall have the following powers, authorities, rights, and duties:

- (1) To represent the county judge/executive or mayor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the county, urban-county, charter county, or the county and the cities therein, unless there is a local director appointed for a city in accordance with this chapter, who represents that city;
- (2) To be the executive head and chief administrative officer of the local emergency management agency, and to direct, control, supervise, and manage, the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of the county, urban-county government, charter county government, or the county and the cities therein, and to coordinate all local disaster and emergency response, unless there is a local director appointed for a city in accordance with this chapter, who represents that city;
- (3) To develop and maintain a local emergency operations plan entitled "county emergency operations plan," or "city emergency operations plan," or "city/county emergency operations plan," as appropriate, the provisions of which shall establish the organizational structure to be utilized by local government to manage disaster and emergency response, and set forth the policies, procedures, and guidelines for the coordination of all disaster and emergency response in the county and all the cities therein for an emergency, declared emergency, disaster, or catastrophe. The local emergency operations plan shall be developed consistent with the appropriate provisions of the Kentucky emergency operations plan, the provisions of KRS Chapters 39A to 39F, planning guidance issued by the division, and administrative regulations promulgated by the division. The local emergency operations plan shall be officially adopted by signed executive order of the county judge/executive or mayor. The executive order shall be filed with the office of the clerk for the local jurisdiction and a copy placed in the local emergency operations plan. A copy of the local emergency operations plan, and all revisions or updates thereto, shall be submitted by the local director to the Division of Emergency Management for concurrence review and reference. The local emergency operations plan shall be a component of the integrated emergency management system of the Commonwealth, and subject to the Kentucky Emergency Operations Plan, shall be the primary local strategic planning document governing the coordination of all disaster and emergency response in the county, city, or the county and the cities therein, and shall be applicable to, utilized by, and adhered to by, all local emergency response departments, agencies, and officials of the local disaster and emergency services organization in the county and the cities therein. The local emergency operations plan shall be updated not less than annually;

- (4) To establish and maintain a local disaster and emergency services organization in accordance with the local emergency operations plan, the Kentucky Emergency Operations Plan, and the provisions of KRS 39B.050;
- (5) To notify the county judge/executive, mayor, or executive authority of other local governments and the Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency or disaster, and recommend any emergency actions which should be executed;
- (6) To be the chief advisor to, and the primary on-scene representative of, the county judge/executive, mayor, or executive authority of other local governments in the event of occurrence of any emergency, declared emergency, disaster, or catastrophe within the local jurisdiction;
- (7)
 - (a) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe to immediately investigate, analyze, or assess the seriousness of all situations; to coordinate the establishment and operation of a local incident command or management system; to execute the local emergency operations plan, as appropriate; to activate the local emergency operations center or on-scene command post; to convene meetings, gather information, conduct briefings, and to notify the division of on-going response actions; and fully expedite and coordinate the disaster and emergency response of all local public and private agencies, or to have a staff assistant do so;
 - (b) At a declared emergency or declared disaster, at the direction of the county judge/executive or mayor, as appropriate, to take or direct immediate actions to protect public safety; however, this paragraph shall not preclude a local director from providing any assistance that he is requested to, and is able to, provide at any emergency.
- (8) To act as an official representative of the division in emergency situations when specifically requested by the director;
- (9) To report directly to the county judge/executive, mayor, or executive authority of other local governments, act in an official policy-making capacity when carrying out the duties of local emergency management director, and exercise full signatory authority for execution of all contracts, agreements, or other official documents pertaining to the administration and operation of the local emergency management agency and program;
- (10) To direct or supervise all paid or volunteer emergency management staff assistants or other local emergency management agency workers, and all operating units or personnel officially appointed and affiliated with the local disaster and emergency services organization pursuant to KRS 39B.070;
- (11) To prepare and submit regular or scheduled program activity reports to the area manager of the division and local chief executives;
- (12) To execute bond, if appropriate, in the amount determined by the appointing authorities;

- (13) Annually, by the first day of March, to prepare and submit a program budget request to the county judge/executive and mayor;
- (14) Annually, by the fifteenth day of July, to prepare and submit to the division a locally-approved, fiscal year program paper and budget request;
- (15) To perform all administrative, organizational, or operational tasks required by the provisions of this chapter, or administrative regulations, or program guidance pertaining thereto;
- (16) To be a registered member of the Kentucky Emergency Management Association or other professional emergency management organization; and
- (17) To carry out all other emergency management-related duties as required by KRS Chapters 39A to 39F, administrative regulations, or local orders or ordinances.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 31, effective July 15, 1998.

39B.040 Mutual aid arrangements with special districts and public and private agencies.

- (1) The local director of each local emergency management agency in the Commonwealth may develop or cause to be developed mutual aid arrangements with special districts and other public and private agencies within this Commonwealth for reciprocal disaster and emergency response aid and assistance in case of disaster or other emergency too great to be dealt with unassisted. The arrangements shall be consistent with the Kentucky Emergency Operations Plan, the local emergency operations plan, and the comprehensive emergency management program of the Commonwealth, and in time of emergency it shall be the duty of each local disaster and emergency services organizational unit, including each special district, and each public or private agency, to render assistance in accordance with the provisions of these mutual aid arrangements.
- (2) The local director of each local emergency management agency in the Commonwealth may assist the division, acting on behalf of the Governor, in negotiation of reciprocal mutual aid agreements between the Commonwealth and other states, including foreign states or provinces, or their political subdivisions, and shall carry out the arrangements or any agreements relating to the local political subdivision.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 32, effective July 15, 1998.

39B.050 Local disaster and emergency services organization -- Membership -- Responsibility.

- (1) Each local emergency management director shall establish and maintain a local disaster and emergency services organization in accordance with a city or county or city/county emergency operations plan required pursuant to KRS Chapters 39A to 39F. The local disaster and emergency services organization shall be comprised of the following members and participants:
 - (a) The county judge/executive and mayors, or the chief executive of other local governments;
 - (b) Elected legislative officials of the county and cities;
 - (c) The local emergency management director and all local emergency management agency staff members and workers, or emergency management agency-supervised operating units or personnel;
 - (d) All regular or volunteer public safety or emergency services department heads or agency chiefs in the cities or county;
 - (e) All regular or volunteer public safety or emergency services department or agency members in the cities or county;
 - (f) All districts, corporations, public agencies, groups, or political subdivisions of the state and special districts within the county or the cities thereof, which are organized under the laws of the Commonwealth to provide an emergency response service or related function in the interest of public safety; and
 - (g) All private sector personnel, agencies, organizations, companies, businesses, or individuals and citizens who agree to provide their assets, resources, talents, services, or supplies in aid to the local disaster and emergency services organization of the cities or county in accordance with the approved local emergency operations plan of the city, county, urban-county government, or charter county government.
- (2) The local disaster and emergency services organization shall have responsibility for the performance of all disaster and emergency response functions contemplated in KRS 39A.010, 39A.020, or 39A.030 and as listed or assigned in the city, county, or city/county emergency operations plan, except that the Division of Forestry of the Environmental and Public Protection Cabinet shall have primary responsibility for directing the implementation of all forest fire emergency responses consistent with KRS Chapter 149. Disaster and emergency response functions may be assigned within the local disaster and emergency services organization to existing agencies and organizations, public and private. It shall not be necessary for the local disaster and emergency services organization to create, provide, or maintain an additional or auxiliary capability for any existing function or service deemed adequate to local needs.
- (3) The local disaster and emergency services organization shall be the primary disaster and emergency response force of city, county, urban-county government, or charter county government and an organizational component of the integrated emergency management system of the Commonwealth. The local emergency management

director shall have primary responsibility for the coordination of all disaster and emergency response of the local disaster and emergency services organization for an emergency, declared emergency, disaster, or catastrophe.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 33, effective July 15, 1998.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

39B.060 Emergency operations plan.

- (1) The city or county or city/county emergency operations plan developed pursuant to the provisions of KRS Chapters 39A to 39F shall include adequate provisions or procedures to assess, mitigate, prepare for, respond to, and recover from all disaster or emergency incidents contemplated by KRS 39A.010, 39A.020, or 39A.030 and shall provide for all functions contemplated by these sections.
- (2) The local emergency operations plan shall be submitted by the local director to the county judge/executive, mayor, or chief executive of other local governments immediately following each regular election for these offices, for approval and adoption by the local chief executives through issuance of an executive order pursuant to the provisions of KRS Chapters 39A to 39F.
- (3) In the event of a conflict between a city emergency operations plan and a county emergency operations plan and decisions made thereunder:
 - (a) The decision made pursuant to the county plan shall prevail if the incident, its consequences, or the threat thereof, extend beyond the boundaries of the city;
 - (b) The decision made pursuant to the city plan shall prevail if the incident, its consequences, or the threat of the incident, do not extend beyond the boundaries of the city; and
 - (c) The same precedence shall govern plans of urban-counties and charter counties.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 34, effective July 15, 1998.

**39B.070 Execution of emergency powers -- Emergency operations centers --
Waiver of procedures and formalities.**

Each city, county, urban-county government, or charter county government may:

- (1) Through the county judge/executive of a county other than an urban-county government, mayor of an urban-county government, chief executive of other local governments, or mayor of a city, or their designees as provided by ordinance, declare in writing a state of emergency when required, and thereafter execute any emergency powers granted under this chapter to provide for adequate and appropriate response to any occurrence or situation or any impending event or situation resulting from any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030;
- (2) Appropriate and expend funds, make contracts, enact cost-recovery ordinances, obtain and distribute equipment, materials, and supplies for disaster and emergency response purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster or emergency; review or approve local emergency operations plans; and enact orders or ordinances pertaining to local emergency management programs in accordance with the policies and plans prescribed by the federal and state emergency management agencies and the provisions of KRS Chapters 39A to 39F;
- (3) Appoint, employ, remove, or provide, with or without compensation, staff assistants to the local emergency management director, and clerical, administrative, technical or other local emergency management agency staff personnel, and local emergency management agency-supervised operating units officially affiliated with the local disaster and emergency services organization by city or county order or ordinance including rescue squads, auxiliary fire, police, and medical personnel, urban search and rescue teams, severe weather spotters teams, damage assessment teams, amateur radio or communications personnel, or other emergency response groups, teams, or personnel, and other disaster and emergency response workers;
- (4) Establish a primary and one (1) or more secondary emergency operations centers or on-scene command posts to serve as official local government command posts during an emergency, declared emergency, disaster, or catastrophe;
- (5) Subject to the order of the Governor, or the chief executive of the county, urban-county government, charter county government, or city, to assign and make available for duty, the employees, property, or equipment of the county or city relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for disaster and emergency response purposes within or outside of the physical limits of the county, urban-county government, charter county government, or city;
- (6) In the event of a national emergency or state of declared emergency or declared disaster or catastrophe, as provided in KRS 39A.100, waive procedures and formalities otherwise required by the law pertaining to: the performance of public work; entering into contracts; the incurring of obligations; the employment of permanent and temporary workers; the utilization of volunteer workers; the rental of equipment; the purchase and distribution, with or without compensation, of

supplies, materials, and facilities; the appropriation and expenditure of public funds; and the demolition and removal of damaged public and private structures; and

- (7) Confer or authorize the conferring upon members of the auxiliary police the powers of peace officers, subject to the provisions of KRS 61.300, and any other restrictions imposed by the appointing authority.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 35, effective July 15, 1998.

39B.080 Powers, duties, rights, privileges, and immunities of employees rendering outside aid.

When the employees of any county, urban-county, charter county, or city are rendering outside aid pursuant to the authority contained in this chapter, the employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the jurisdiction in which they are normally employed.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 36, effective July 15, 1998.

39B.090 Liability for loss or damage to equipment used -- Reimbursement of compensation and expenses of employees.

- (1) The city, county, urban-county government or charter county government, in which any equipment is used pursuant to this chapter shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for loss, damage, or expense shall be allowed unless, within sixty (60) days after it is sustained or incurred, an itemized written notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the county, urban-county, charter county, or city where the equipment was used. The county, urban-county, charter county, or city which is aided pursuant to this chapter shall also reimburse the county, urban-county, charter county, or city furnishing the aid for the compensation paid to employees furnished under this chapter during the time of the rendition of the aid, and shall defray the actual traveling and maintenance expenses of the employees while they are rendering the aid. Reimbursement shall include any amounts paid or due to compensation due to personal injury or death while employees are engaged in rendering aid. The term "employee" as used in this section shall mean, and the provisions of the section shall apply with equal effect to, paid, volunteer, or auxiliary employees, and other local emergency management agency or disaster and emergency response workers.
- (2) The rights, privileges, and obligations set out in this section shall also apply if aid is rendered outside the Commonwealth. Payment or reimbursement in this case shall be made by the state or political subdivision receiving the aid pursuant to a reciprocal mutual aid agreement or compact with another state or by the federal government.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 37, effective July 15, 1998.

39B.100 Contracts permitted.

The chief executive or governing body of each political subdivision of the state may:

- (1) Enter into a contract or lease with the state, or accept any loan, or employ personnel, and the political subdivision may equip, maintain, utilize, and operate any property and employ necessary personnel therefor in accordance with the purposes for which the contract is executed; and
- (2) Do all things and perform all acts deemed necessary to effectuate the purpose for which the contract was entered into in accordance with the Kentucky Emergency Operations Plan.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 38, effective July 15, 1998.

39B.110 Taking of property or rights guaranteed by KRS 237.102 or 237.104 not authorized -- Rights of relocated persons unaffected.

- (1) Nothing in KRS 39B.070 or any other provision of this chapter shall authorize a taking of property or the taking of any action which is in violation of KRS 237.102 or 237.104.
- (2) If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by KRS 237.102 and 237.104.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 240, sec. 11, effective July 12, 2006.

39B.990 Penalty

Any person violating any provision of this chapter or any administrative regulation or order promulgated pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 39, effective July 15, 1998.

39C.010 Supplementary state funds.

In order to develop and maintain effective local emergency management agencies, and comprehensive emergency management programs and related activities, it is declared to be the policy of the Commonwealth of Kentucky to encourage and assist the counties, cities, urban-county governments or charter county governments of the Commonwealth by authorizing, and there is hereby authorized, the expenditure of supplementary state funds for local emergency management agencies which are created, administered, operated, and maintained pursuant to KRS Chapters 39A to 39F, and are integral components of the integrated emergency management system of this Commonwealth.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 40, effective July 15, 1998.

39C.020 Allocation of state funds.

Supplementary state funds appropriated to the division shall be allocated by the division to local emergency management agencies on a reimbursement basis in amounts not to exceed fifty percent (50%) of the total local funds expended by the local agencies in any given year for the institution, administration, or support of the comprehensive emergency management programs of the city, county, urban-county government or charter county government.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 41, effective July 15, 1998.

39C.030 Purpose of supplementary state fund.

The purpose of the supplementary state fund established in KRS 39C.010 and 39C.020 is to:

- (1) Assist local emergency management agencies established pursuant to KRS Chapters 39A to 39F to develop adequate comprehensive emergency management programs and disaster and emergency response capabilities;
- (2) Maintain and improve these agencies, programs, and capabilities through enhanced training, planning, staffing, administration, operations, and equipment acquisition; and
- (3) Benefit the Commonwealth as a whole, through creation of an effective and responsive statewide integrated emergency management system.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 42, effective July 15, 1998.

39C.040 Director's responsibility -- Advisory committee.

- (1) The Director of the Division of Emergency Management shall have overall responsibility for policy, guidance, administration, and proper utilization of the supplementary fund established in KRS 39C.010 and 39C.020.
- (2) The director shall serve as the principal liaison between the division and local officials participating in programs affected by this fund.
- (3) The director shall appoint an advisory committee consisting of seven (7) members, including no more than four (4) employees of the staff of the division, to assist in making initial funding allocations each fiscal year and in making quarterly adjustments, based upon program and financial reviews. The members of the committee shall serve at the pleasure of the director, but for no more than four (4) years without reappointment, and shall serve without reimbursement, except when funded through the emergency management assistance programs. The decisions of the committees shall be advisory only and not binding upon the director.
- (4) The director, with the advice of the advisory committee, shall make determinations related to fund allocations.
- (5) Area managers of the division shall fully explain program opportunities and requirements to local elected officials and local directors, review budget and program submissions, and make recommendations to the director.
- (6) Funds pursuant to KRS 39C.010 and 39C.020 shall be made available to not more than one (1) local emergency management agency in any county on a reimbursement basis up to fifty percent (50%) of the total local funds expended in any given year by the local emergency management agency created pursuant to KRS Chapters 39A to 39F.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 43, effective July 15, 1998.

communications, information management, and other operational capabilities necessary to ensure the coordination of all disaster and emergency response in the local jurisdiction. The local emergency operations center shall be a direction and control component of the integrated emergency management system of the Commonwealth.

- (6) Each local emergency management agency shall develop, and submit annually to the division, a program paper detailing agency administrative data, current staff personnel listings, a specific work plan of program objectives scheduled for accomplishment during the next fiscal year, and a budget request. Forms and guidance materials for this report shall be provided by the division.
- (7) Each employee of a local emergency management agency created pursuant to this chapter with the exception of the local director and each deputy, if the deputy functions in a policymaking capacity, whose salary is reimbursed in part or in total with these funds, shall meet the standards of the Kentucky merit system, or the standards of the Federal Office of Personnel Management or its successor or local equivalent, when recognized by the director.
- (8) In order for a local emergency management agency to participate in the funding program, one (1) of the following persons shall attend an annual emergency management workshop:
 - (a) The county judge/executive;
 - (b) The deputy county judge/executive;
 - (c) The mayor of an urban-county government, or of a consolidated local government, or of the largest city in the county, or the mayor of the city which is the county seat of the county, or the chief executive of other local government;
 - (d) The city manager;
 - (e) The local emergency management deputy director; or
 - (f) A member of the fiscal court, urban-county council, or consolidated local government of the county.
- (9) The division shall determine by administrative regulation:
 - (a) Public officials and disaster and emergency services personnel who may be reimbursed for attendance at emergency management workshops or other activities; and
 - (b) Reimbursements for attending courses and workshops, which shall be limited as follows:
 1. Reimbursement rates for meals and travel mileage shall not exceed those for state employees.
 2. Reimbursement shall be made for attending the workshop or course nearest to the participant's residence. A participant may attend a workshop at a greater distance but will be reimbursed for meals and mileage equal to that of attending the nearest workshop or course. In

cases of extreme hardship, the nearest course or workshop requirement may be waived, in writing, by the director.

- (10) The division shall:
- (a) Publicize all available state and federal emergency management agency training courses to mayors, county judges/executive, and local directors; and
 - (b) Assist local personnel listed in this section in gaining entrance to state and federal emergency management agency training courses.
- (11) If, at any time, the director of the division determines that a local emergency management agency or a local director does not comply with the eligibility requirements of this section, the director shall notify that local director and the appointing authorities, in writing, of the intent to deny financial assistance to the local emergency management agency. The local director shall have ten (10) working days to come into compliance or otherwise provide information to the director to justify eligibility for funding. If the director continues to determine that the local emergency management agency or the local director does not meet eligibility requirements, the local emergency management agency shall be ineligible for funds and the director shall notify the local director and the appointing authorities, of the determination. A local director aggrieved by a decision of the director may appeal to the Franklin Circuit Court within twenty (20) days of the receipt of the director's decision. The court's review shall be from the record and shall not be de novo.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 10, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 44, effective July 15, 1998.

39C.060 Request for financial aid -- Review and evaluation criteria.

- (1) Local emergency management agencies requesting financial aid from the fund created pursuant to KRS 39C.010 and 39C.020, shall submit, not later than July 15 of each year, a local "Annual Program Paper" application to the area manager of the division.
- (2) The area manager shall review the application and accompanying documents and forward them to the director of the division along with the area manager's assessments and recommendations, not later than August 15 of each year.
- (3) The director shall submit the request for financial aid to the advisory committee for its review and recommendations. The advisory committee shall review the application, accompanying documents, and the assessment and recommendation of the area manager and make a recommendation to the director with regard to the application and the request for funding.
- (4) Requests for funding shall be evaluated by the following criteria:
 - (a) Meeting the eligibility criteria specified in KRS 39C.050, unless some aspect thereof has been waived as provided in KRS 39C.090.
 - (b) Meeting all the requirements specified by the division for developing, preparing, maintaining, and submitting the annual program paper.
 - (c) Local emergency operations plans submitted and a determination of their conformity to the Kentucky Emergency Operations Plan, and an assessment of their capability, state of currency, sign of official adoption, and general adequacy to provide for the coordination of disaster and emergency response operations.
 - (d) Past program performance of the local director in fully carrying out the duties of local director as specified in KRS 39B.030, and overall program performance as it relates to completeness, adequacy, and timeliness in accomplishing program tasks, objectives, or goals.
 - (e) Historical spending records for this and similar programs.
 - (f) Local resources committed to the program on a per capita basis.
- (5) If available funds do not meet the total funds requested by all local emergency management agencies, then funding allocations may be reduced after a reevaluation of the criteria set forth in subsection (4) of this section.
- (6) The director of the Division of Emergency Management shall then review and evaluate each application, together with the recommendations thereon, and not later than September 15 of each year, designate and approve funds for eligible local emergency management agencies and notify the local director.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 45, effective July 15, 1998.

39C.070 Reimbursement -- Claims and equipment purchase.

- (1) Within fifteen (15) days of the end of each month, the local emergency management agency shall submit a completed claim of reimbursement with supporting documentation to the area manager of the division. After review, the area manager shall forward the documentation for administrative review and a reimbursement check shall be returned to the jurisdiction. Reimbursement shall be at the predetermined rate.
- (2) Requests to utilize these funds to purchase any item of emergency management-related administrative or office equipment having a total cost in excess of five hundred dollars (\$500) shall be submitted to the director for approval or denial before the purchase. To obtain approval, the local emergency management agency shall submit a project application to the area manager, who shall review it and forward it to the director, together with the area manager's recommendations in reference thereto. If the application is approved by the director, the local emergency management agency shall be notified of the approval and, after making the purchase, may submit a reimbursement claim.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 46, effective July 15, 1998.

39C.080 Performance evaluations -- Records and reports -- Review of program progress and compliance -- Correction of deficiencies -- Appeal process.

- (1) The performance of each local emergency management agency or local director receiving funding pursuant to KRS 39C.010 and 39C.020 shall be evaluated quarterly as to compliance with the provisions of KRS Chapters 39A to 39F, satisfactory program administration, and the achievement of scheduled program objectives by the local emergency management agency or local director. Based upon this evaluation:
 - (a) Programs which are judged deficient, or otherwise not in compliance with KRS Chapters 39A to 39F, or program guidance of the division, may have funds withheld and those funds which have been withheld may be transferred to other local emergency management agencies.
 - (b) Programs which meet or exceed their minimum program objectives and have needs for additional funds for program improvements may be granted additional requested funds, or portions thereof, for use by the local emergency management agency in making the improvements, subject to the availability of funds.
- (2) Within fifteen (15) days after the end of each quarter, the local emergency management director shall prepare and submit all documentation, records, or reports required by the division to substantiate and document the work activity of the local director and the local emergency management agency in performing official duties or work plan objectives during each quarter.
- (3) Program progress and compliance shall be reviewed quarterly by the area manager of the geographical area in which the local emergency management agency is located. The area manager shall review training records, exercise reports, financial records and budget expenditure rates, all work plan documentation reports or materials submitted by the local director at the end of each quarter, program guidance materials, or other sources of information, and make an assessment as to whether the local emergency management agency or local director is in compliance with current program requirements or guidance, or is making satisfactory progress toward the full achievement of the objectives outlined in the work plan of the annual program paper. The area manager shall transmit an assessment report to the director of the division together with any recommendations thereon.
- (4) The director shall then review the material submitted, together with the area manager's recommendations, and submit it to the advisory committee for its evaluation and recommendations with regard thereto.
- (5) The advisory committee shall transmit to the director its determination of the local emergency management agency's state of compliance or progress, and that of the local director, and the committee's recommendations with regard thereto. The director shall review the report and all recommendations thereon. The director shall then make a final determination with regard to compliance and progress and, if a deficiency is found, the measures which shall be taken to assure compliance.

- (6) Local emergency management agencies or local directors determined not to be making satisfactory progress toward the accomplishment or completion of work plan objectives as outlined in the annual program paper, or not performing in accordance with the written program guidance or the requirements of KRS Chapters 39A to 39F, shall be given thirty (30) days to correct the deficiencies in the manner outlined by the director.
- (7) A local emergency management agency aggrieved by a decision of the director may appeal to the Franklin Circuit Court within twenty (20) days of the receipt of the director's decision. The court's review shall be from the record and shall not be de novo, unless the record is insufficient.
- (8) If a decision has been made by the director to withhold funding from the local emergency management agency, that funding shall remain withheld during the pendency of any appeals of the decision.
- (9) At the end of the thirty (30) day period further funding may be withdrawn by the director, if the deficiencies have not been corrected. The funds may then be reallocated to other local emergency management agencies.
- (10) The director, during the review process outlined in this section, shall also review the expenditure rate of each local emergency management agency receiving funds. If it is determined that a local agency will not utilize all allocated funds, appropriate portions of the allocation may be withdrawn and reallocated to another local emergency management agency.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 47, effective July 15, 1998.

39C.090 Requests for waiver of requirements.

Requests for the waiver of any requirement of KRS 39C.050, 39C.060, 39C.070, and 39C.080 or any criteria of KRS Chapter 39F may be submitted with appropriate justification to the director of the division. The director may grant waivers only upon the finding that the justification merits special action and failure to grant the waiver would jeopardize the continuation or development of a viable local emergency management agency and program. In every case, the director shall insure that the local agency and program continues to meet the basic intent of KRS Chapter 39B. Waivers shall apply on a one (1) time basis relating to a specific request and shall not be construed to establish precedents.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 48, effective July 15, 1998.

39C.100 Administration of supplementary state funding program -- Administrative regulations.

The division shall administer the supplementary state funding program authorized in KRS 39C.010 and 39C.020 and the division shall, by administrative regulations, promulgate and apply eligibility requirements and standards of performance to be achieved by all local emergency management agencies. The division may promulgate other administrative regulations, and issue any program guidance, necessary to carry out the provisions of KRS 39C.010 and 39C.020.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 49, effective July 15, 1998.

39C.110 Workers' compensation coverage -- Limitations.

Local emergency management agencies, including local directors or their deputies, and other local emergency management agency staff personnel and workers, and local emergency management agency-supervised operating units or personnel officially affiliated with the local disaster and emergency services organizations pursuant to KRS 39B.070, paid or volunteer, for the purposes of receiving workers' compensation benefits paid by the division, shall be covered by those benefits when performing emergency assessment, mitigation, preparedness, response, or recovery functions, with the following limitations:

- (1) The local emergency management agencies, including local directors or staff personnel and workers, and local emergency management agency-supervised operating units or personnel, shall not be covered when performing fundraising functions, unless all proceeds of the function are to be dedicated to the administration or operation of the local emergency management agency or operating unit.
- (2) No person shall be covered when performing hazardous materials emergency response operations defined in 29 C.F.R. 1910.120 which are above the first-responder operations level, on-scene incident commander level excluded, except as provided in subsection (3) of this section.
- (3) A volunteer hazardous materials response team as defined in 29 C.F.R. 1910.120 which meets all provisions of 29 C.F.R. 1910.120(q), operates on a regional basis, and is supervised by a local emergency management agency may, by action of the director pursuant to administrative regulations, be provided Kentucky emergency management workers' compensation coverage. Such hazardous materials response teams shall take no actions involving environmental clean-up, removal, or transportation of hazardous substances or materials except as may be essential for initial emergency control or initial emergency stabilization when there is a clear and evident risk of harm to people.
- (4) No person shall be covered unless enrolled on a workers' compensation enrollment form that is filed with the area manager of the division, except when the magnitude of an emergency, or a preparedness exercise activity, is so great that a local director must solicit additional workers. At these times, the local director may develop and maintain a list of workers, to include names, Social Security account numbers, missions assigned, and dates covered, and submit a copy of the list to the area manager within twenty-four (24) hours of the conclusion of the emergency, or the preparedness exercise activity.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 50, effective July 15, 1998.

39C.990 Penalty.

Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 51, effective July 15, 1998.

Legislative Research Commission Note (7/15/98). Although the introductory clause for 1998 Ky. Acts ch. 226, sec. 51 indicated that this statute was to be placed in KRS Chapter 39D, it is clear from context that KRS Chapter 39C was intended because KRS Chapter 39D had its own penalty provision at 1998 Ky. Acts ch. 226, sec. 57. Therefore, to correct this manifest clerical or typographical error, KRS 7.136(1)(h), this statute has been codified in KRS Chapter 39C.

39D.010 Temporary seat of state government -- Acts valid and binding.

- (1) When, during a state of emergency, it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the state capital, the Governor shall, as often as the exigencies of the situation require, by proclamation, designate a temporary location for the seat of government at the place within this Commonwealth deemed advisable, and shall take action and issue orders necessary for an orderly transition of the affairs of state government to the temporary location. If practicable, the temporary location designated by the Governor shall conform to that provided for in the current Kentucky Emergency Operations Plan. The temporary location shall remain as the seat of government until the Governor establishes a new location under this section, or until the emergency is ended and the seat of government is returned to its normal location.
- (2) While the seat of government remains at the temporary location, all official acts required by law to be performed at the seat of government by any officer, independent agency, division, or authority of this Commonwealth, including the convening and meeting of the General Assembly in regular or special session, shall be as valid and binding when performed at that temporary location as if performed at the normal location.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 52, effective July 15, 1998.

39D.020 Designation of alternate or substitute places for local government -- Acts valid and binding.

- (1) When, during a state of emergency, it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual places, the governing body of each county, urban-county, charter county, and city of this Commonwealth may meet at any place within or without the territorial limits of that political subdivision, at the direction of the elected chief executive officer or his or her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute places as the temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. The alternate or substitute places may be within or without the territorial limits of the county, urban-county, charter county, and city, and shall be within those of the state. If practicable, they shall be the places designated as the temporary locations of government in the current local emergency operations plan.
- (2) While the public business is being conducted at a temporary location, the governing body and other officers of a county, urban-county, charter county, and city of this Commonwealth shall have and exercise, at that location, all of the executive, legislative, administrative, and judicial powers and functions conferred upon that body and officers under state law. The powers and functions, except judicial, may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of the body and officers shall be as valid and binding as if performed within the territorial limits of their county, urban-county, charter county and city.
- (3) This section shall control notwithstanding any statutory charter or ordinance provision to the contrary.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 53, effective July 15, 1998.

39D.030 Ordinances and resolutions for continuity of government.

The governing body of each county, urban-county government, charter county government, and city shall enact the ordinances and resolutions necessary to provide for the continuity of government throughout the duration of a state of emergency. The ordinances and resolutions shall provide a method by which temporary emergency appointments to public office are made, except as limited by express constitutional provisions, and shall define the scope of the powers and duties which may be exercised, and provide for termination of the appointment so made. This section shall control notwithstanding any statutory provision to the contrary.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 54, effective July 15, 1998.

39D.040 Emergency interim successors -- Order of successions -- Vacancies -- Applicability of statute to all special districts and political subdivisions.

- (1) As used in this section, unless the context clearly requires otherwise:
 - (a) "Emergency interim successor" means a person designated under this section, if an officer is unavailable, to exercise the powers and discharge the duties of that office until a successor is appointed or elected and qualified as provided by law, or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.
 - (b) "Office" includes all state and local offices, the powers and duties of which are defined by law, except the office of Governor, and except those in the General Assembly and the judiciary. An "officer" is a person who holds an office.
 - (c) "Political subdivision" includes counties, urban-counties, charter counties, cities, special districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.
 - (d) "Unavailable" means that during a state of emergency either:
 1. A vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office; or
 2. That the lawful incumbent of the office and any duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.
- (2) Subject to administrative regulations of the Governor, all state officers, shall, in addition to any deputy authorized to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this section to ensure their current status. The officer shall designate a sufficient number of emergency interim successors so that there will be not fewer than three (3) nor more than seven (7) deputies or emergency interim successors or any combination thereof, at any time. If any state officer is unavailable following an emergency, and if a deputy, if any, is also unavailable, the powers of office shall be exercised and the duties of office shall be discharged by any designated emergency interim successors in the order specified. The emergency interim successors shall exercise the powers and discharge the duties only until such time as the Governor under the Constitution or authority other than this section, or other official authorized under the Constitution or this section to exercise the powers and discharge the duties of the office of Governor has, where a vacancy exists, appointed a successor to fill the vacancy, or until a successor is otherwise appointed, or elected and qualified as provided by law, or until an officer or any deputy or a preceding named emergency interim successor becomes available to exercise, or resume the exercise and discharge of, the powers and duties of the office.
- (3) Each cabinet and each department of state government, and each agency of state government shall appoint not fewer than three (3) nor more than seven (7)

emergency interim successors for each position specified in the Kentucky Emergency Operations Plan and the internal emergency operations procedures for that department or agency. Emergency interim successors in the order of the succession shall have the full power to exercise all powers of their department or agency and to commit its resources during a time of emergency or disaster if the person normally exercising the position becomes unavailable. If the preceding emergency successor becomes unavailable he or she shall resume all duties from the emergency interim successor, unless he or she chooses to permit the emergency interim successor to remain in the position until relieved.

- (4) The local legislative bodies of cities, counties, urban-counties, and charter counties shall enact ordinances or orders governing the manner in which vacancies in offices and employment shall be filled, and for the prompt filling thereof during times of disaster and emergency, if the filling of these vacancies is not otherwise provided for by law. The legislative bodies shall enact ordinances providing for the appointment of not fewer than three (3) nor more than seven (7) emergency interim successors for each local office, department, and agency specified in the Kentucky Emergency Operations Plan and local emergency operations plans and annexes thereto. Emergency interim successors, in the order of their successions, shall have the full power to exercise all powers of the office, department, or agency and to commit its resources during a time of emergency or disaster if the person normally exercising the position is unavailable. If the preceding emergency successor becomes available, he or she shall resume the duties being performed by the emergency interim successor, unless he or she chooses to permit the emergency interim successor to remain in the position until relieved. The administrative orders and ordinances shall not be inconsistent with this section.
- (5) This section applies to officers of all special districts and political subdivisions not included in subsection (4) of this section. The officers, subject to such administrative regulations as the executive head of the political subdivision promulgates, shall designate by title, if feasible, or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this section to ensure their current status. The officer shall designate a sufficient number of persons so that there will be not fewer than three (3) nor more than seven (7) deputies or emergency interim successors or any combination thereof at any time. If any officer of any political subdivision or any deputy provided for pursuant to law is unavailable, the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until the time a vacancy which exists is filled in accordance with the Constitution or the KRS, or until the officer, a deputy, or a preceding emergency interim successor again becomes available to exercise the powers and discharge the duties of the office.
- (6) No person shall be designated or serve as an emergency interim successor unless he or she is eligible under the Constitution and statutes to hold the office to which he or she is designated to succeed, but no statutory provision prohibiting local or state

officials from holding another office shall be applicable to an emergency interim successor.

- (7) Emergency interim successors shall take the oath required to exercise the powers and discharge the duties of the office to which they may succeed. No person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he or she succeeds, shall be required to comply with any other provision of law relative to taking office.
- (8) Officials authorized to act as Governor pursuant to this section, and emergency interim successors are empowered to exercise the powers and discharge the duties of an office only during the continuance of an emergency. The General Assembly, by joint resolution, may at any time terminate the authority of the emergency interim successors to exercise the powers and discharge the duties of office.
- (9) Until the persons designated as emergency interim successors shall exercise the powers and discharge the duties of an office in accordance with this section, the persons shall serve in their designated capacities at the pleasure of the designating authority.
- (10) Any dispute concerning a question of fact arising under this section with respect to an office in the executive division of the state government, except a dispute of fact relative to the office of Governor, shall be adjudicated by the Governor or other official authorized under the Constitution to exercise the powers and discharge the duties of the office of Governor, and the decision reached shall be final.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 55, effective July 15, 1998.

39D.050 Preservation of essential state public records -- Duties of Archives and Records Commission.

The state Archives and Records Commission shall establish a system for the preservation of essential state public records necessary for the continuity of governmental functions in the event of an emergency, disaster, or catastrophe. The commission shall:

- (1) Determine what records are essential for operation during a state of emergency and thereafter through consultation with all state cabinets, departments, and independent agencies and the administrator of state archives services and records, establish the manner in which the records shall be preserved, and provide for their preservation;
- (2) Require every state cabinet, department, and independent agency to establish and maintain a preservation program for essential state public records;
- (3) Provide for security storage of essential state records;
- (4) Furnish state cabinets, departments, and independent agencies with copies of the final plan for preservation of essential public records; and
- (5) Advise all political subdivisions of the Commonwealth on preservation of essential public records.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 56, effective July 15, 1998.

39D.990 Penalty.

Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 57, effective July 15, 1998.

39E.010 Kentucky Emergency Response Commission -- Duties.

The Kentucky Emergency Response Commission is established to:

- (1) Implement all provisions of Title III, Pub. L. No. 99-499, associated federal regulations, and subsequent related legislation and regulations related to hazardous substances; develop policies related to the response of state and local governments to releases of hazardous substances; develop standards for planning for these events; develop reporting requirements for those who manufacture, use, transport, or store these substances; provide information to the public concerning hazardous substances in the community; develop training requirements; and develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response; and
- (2) Perform any other functions assigned by statute or by the chairman.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 58, effective July 15, 1998.

39E.020 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Commission" means the Kentucky Emergency Response Commission and those persons appointed by the Governor to implement provisions of Title III, Pub. L. No. 99-499 and this chapter.
- (2) "Local emergency planning committee," hereafter referred to as the "local committee," means those persons appointed by the commission to assist in the implementation of Title III, Pub. L. No. 99-499 and this chapter.
- (3) "Release" means, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles, of any hazardous substance.
- (4) "Reportable quantity" means an amount of hazardous substances released which requires notification to local and state warning points.
- (5) "Hazardous substance" means a substance specified by Title III, Pub. L. No. 99-499, subsequent federal regulations, this chapter, and subsequent administrative regulations as requiring notification if released or if stored, manufactured, or used.
- (6) "Warning point" means that location, operated by state or local government, and identified by the state commission or local committee, and which is continuously staffed, and which has the capability or responsibility to contact governmental emergency response organizations and, if capability exists, to warn the public of hazards which may affect them.
- (7) "Emergency response organization" means a unit of local government or a unit authorized by local government which may be called to make a response because of a release of a hazardous substance, and whose responsibilities are included in plans developed under this chapter.
- (8) "Facility" means all buildings, equipment structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person, or by any person which controls, is controlled by, or under common control with such person, and which manufactures, stores, or uses substances covered under this chapter. For purposes of KRS 39E.190, the term includes motor vehicles, rolling stock, and aircraft.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 59, effective July 15, 1998.

39E.030 Members -- Meetings.

- (1) The commission shall be composed of not more than twenty-five (25) members and shall be chaired by the director of the Division of Emergency Management of the Department of Military Affairs, who shall also be a member. Other members shall include, but not be limited to, the executive director of the Commission on Fire Protection Personnel Standards and Education or the executive director's designee, representatives of the Environmental and Public Protection Cabinet, the office of the state fire marshal, the Department of Kentucky State Police, the Office of the Attorney General, affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate.
- (2) Members of the commission shall be appointed by the Governor. All appointments shall be for a term of two (2) years. Members shall serve until their successors are appointed and qualified and shall be eligible for reappointment.
- (3) The commission shall meet not less than semi-annually, or as convened by the chairman.
- (4) If a member misses three (3) consecutive meetings of the full commission or three (3) meetings in two (2) consecutive years, the position shall be declared vacant by the commission. In these cases, the Governor shall make an appointment to fill the unexpired term.
- (5) The presence of thirteen (13) members shall constitute a quorum and actions taken at these meetings shall be considered as actions of the full commission.
- (6) Members of the commission shall not receive a salary for serving on the commission, but travel and per diem may be paid if funds are appropriated or otherwise made available for these purposes.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 121, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 82, sec. 1, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 226, sec. 60, effective July 15, 1998.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

39E.040 Duties -- Appointment of committees.

The commission shall:

- (1) Appoint local emergency planning committees and revise these committees as it deems appropriate. The committees shall include, as a minimum, representatives from each of the following groups:
 - (a) Elected local officials;
 - (b) Law enforcement;
 - (c) Emergency management;
 - (d) Fire service;
 - (e) First aid;
 - (f) Health service;
 - (g) Local environmental;
 - (h) Hospital;
 - (i) Transportation;
 - (j) Broadcast and print media;
 - (k) Community groups; and
 - (l) Owners and operators of facilities subject to this chapter;
- (2) Adopt standards and procedures for the operations of local committees;
- (3) Develop reporting requirements and procedures consistent with those of Title III, Pub. L. No. 99-499, for individuals, businesses, and governmental agencies that manufacture, use, store, or transport hazardous substances;
- (4) Develop guidance and standards for plans related to hazardous substances;
- (5) Approve, disapprove, and, where necessary, make recommendations to improve plans developed by local emergency planning committees;
- (6) Recommend administrative regulations to the director for issuance by the Division of Emergency Management to implement provisions of this chapter, consistent with Title III, Pub. L. No. 99-499;
- (7) Receive from any source and authorize the expenditure of funds;
- (8) Develop policies relating to the training of committees and persons subject to respond to releases of hazardous substances;
- (9) Develop policies relating to exercising and testing plans developed by local emergency planning committees;
- (10) Specify a warning point to which all required emergency notifications shall be made;
- (11) Develop a procedure by which facilities may report the presence and inventories of hazardous substances and by which members of the public may obtain these reports;
- (12) Annually review all commission policies and procedures and update them as necessary; and
- (13) Adopt policies for the conduct of the business and duties of the commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 61, effective July 15, 1998.

39E.050 Fees -- Trust and agency accounts -- Administrative regulations.

- (1) The commission shall institute a fee system to assist in the administration of its programs and activities at both state and local levels.
- (2)
 - (a) Any facility required to report under the provisions of this chapter shall annually submit to the commission the required fee of forty dollars (\$40) no later than March 1. This paragraph shall not apply to facilities that pay a fee pursuant to paragraph (b) of this subsection.
 - (b) Any facility required to report under the provisions of this chapter and which meets any of the following standards shall annually submit to the commission the required fee of two hundred fifty dollars (\$250) no later than March 1:
 1. The facility has any of the extremely hazardous substances identified in 40 C.F.R. Part 355, as amended;
 2. The facility has eleven (11) or more hazardous substances as defined in KRS 39E.020; or
 3. The facility has a total inventory of hazardous substances as defined in KRS 39E.020 of over four hundred ninety-nine thousand nine hundred ninety-nine (499,999) pounds.
 - (c) If the same owner or owners own two (2) or more facilities in a single county and all of the facilities are required to submit fees pursuant to paragraph (a) of this subsection, the fees due from the owner or owners shall not exceed a total of two hundred fifty dollars (\$250) for all those facilities in that county.
 - (d) The provisions of this subsection shall not apply to a facility owned or operated by local, state, or federal government.
- (3) The funds derived from the fee system shall be placed in a trust and agency account, which shall be known as the "Kentucky Emergency Response Commission Fee Account," and which shall not lapse. The funds in the account shall be expended only for the purpose specified in subsection (1) of this section.
- (4) The commission shall promulgate administrative regulations to implement the provisions of this section, for issuance by the Division of Emergency Management.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 62, effective July 15, 1998.

39E.060 Permissive activities of commission.

The commission may undertake other activities that are:

- (1) Required by federal law or regulation;
- (2) Authorized by federal law or regulation;
- (3) Authorized by executive order of the Governor;
- (4) Clearly adjunct to the duties specified in KRS 39E.040;
- (5) Necessary to approve or disapprove actions of the local committees;
- (6) Necessary to effectively implement the requirements of Title III, Pub. L. No. 99-499; and
- (7) Necessary to commence a civil action against the owner or operator of a facility for failure to comply with the provisions of Section 326, Title III, Pub. L. No. 99-499.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 63, effective July 15, 1998.

39E.070 SARA Title III programs account.

- (1) The "SARA Title III Programs Account" is hereby established as a trust and agency account in the State Treasury for the purpose of assisting in the administration and operation of programs authorized by this chapter.
- (2) Funds from civil and other penalties, donations, and sources other than fees shall be placed in the account. The account shall not lapse.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 64, effective July 15, 1998.

39E.080 Administrative support by Division of Emergency Management -- Protection of federal funds -- Administrative regulations.

- (1) The Division of Emergency Management shall provide administrative support to the commission within the limitation of staff resources. The division may employ staff and may acquire technical or professional assistance as determined to be necessary by the director of the division, and for whom federal, state, or other funds have been provided.
- (2) Persons employed under this section shall report to the director of the division and shall implement policies and directives of the commission as specified by the director. Other employees of the division may also support the commission and assist in the implementation of hazardous substance planning, reporting, investigation, training, and exercising as directed by the director. In cases when the commission develops policies or directives which cannot reasonably be implemented by division staff, the director may defer implementation until sufficient resources exist. In cases when the director advises the commission, in writing, that the division cannot provide requested resources, the commission may seek assistance from other agencies of state government.
- (3) In no case shall the director devote division resources to support the commission if that support would result in the withdrawal of federal or state funds from the division.
- (4) The division shall, upon concurrence by the director, promulgate administrative regulations recommended by the commission and consistent with Title III, Pub. L. No. 99-499. The regulations shall include, but not be limited to:
 - (a) Substances which require inventory reporting;
 - (b) Quantities of each substance covered; and
 - (c) Emergency notification procedures and requirements.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 65, effective July 15, 1998.

39E.090 Local emergency planning districts.

Local emergency planning districts shall be consistent with county boundaries. The commission may authorize two (2) or more districts to combine, upon request of the committees of the affected districts. There shall be only one (1) emergency planning committee within a district.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 66, effective July 15, 1998.

39E.100 Local planning committees.

- (1) Local emergency planning committees are created as part of the state commission.
- (2) Local committee members shall be appointed by the commission, and shall be considered as agents of the state for all purposes, including purposes of liability protection.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 67, effective July 15, 1998.

39E.110 Committee duties.

- (1) Duties of the committees shall include:
 - (a) Development of plans to prepare emergency response organizations within cities, counties, urban-county governments, and charter county governments to respond effectively to releases of hazardous substances;
 - (b) Identification of a twenty-four (24) hour warning point within the district to which persons responsible for releases of hazardous substances must report those releases;
 - (c) Establishment of a method, consistent with federal law, commission policies, and administrative regulations, by which manufacturers, users, or storers of hazardous substances may report the presence of those substances, and by which members of the public may obtain information about those substances;
 - (d) Appointment of a committee chairman, from among its members, for a term of two (2) years. Chairmen may be reappointed;
 - (e) Development and maintenance of plans consistent with administrative regulations promulgated by the commission; and
 - (f) Development of procedures for the annual review of emergency plans and procedures developed under this chapter.
- (2) Local committees shall advise the commission of their actions by providing a copy of minutes to the commission within thirty (30) days of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to the commission within thirty (30) days of the approval.
- (3) Local committees may request the chief of the fire department with jurisdiction over a facility which has, or may have, substances subject to Title III, Pub. L. No. 99-499, to make on-site inspections of the facilities and to report all findings to the chairman of the committee.
- (4) Members of local committees shall serve for terms as specified by the commission, though not to exceed four (4) years except by reappointment. Committees may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired. These changes may be approved or disapproved by the commission.
- (5) Committee meetings shall be subject to provisions of KRS 61.805 to 61.850 relating to public meetings and to KRS 61.870 to 61.884 relating to open records, provided that trade secrets, as determined by the federal Environmental Protection Agency, are processed in accordance with 42 U.S.C. 11042.
- (6) The local committee may, after consultation with the commission chairman, seek civil remedies prescribed in Section 326, Pub. L. No. 99-499.
- (7) The local committee may, with the advice and consent of the commission chairman, submit information to the county attorney for prosecution.
- (8) Consultations pursuant to subsection (6) of this section shall be made prior to the giving of notice of intent to commence a civil action.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 68, effective July 15, 1998.

39E.120 Commission to be advised of receipt of excess quantities of hazardous substances.

Owners or operators of facilities which manufacture, use, or store extremely hazardous substances, as identified in 40 C.F.R. Part 355, and in quantities as identified in administrative regulations promulgated by the Division of Emergency Management shall advise the commission, local committee, and fire department in whose jurisdiction the facility resides, of the name of the substance and its quantity, within sixty (60) days of the date the facility first receives the substance or substances in excess of the quantities as identified in the administrative regulations, or if there is a revision of these regulations and the facility has present a substance or substances on the revised list in excess of the quantity established for those substances, within sixty (60) days.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 69, effective July 15, 1998.

39E.130 Naming of facility representatives -- Liaison duties.

Owners or operators of facilities covered under KRS 39E.120 shall identify, within thirty (30) days of notifying the commission that the facility is subject to this chapter, the name of a facility representative who will work with the local committee in the development of emergency plans, and that person shall provide information necessary to the development of those plans.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 70, effective July 15, 1998.

39E.140 Political entities required to participate in local planning process.

- (1) City, county, urban-county governments, and charter county governments, school districts, special purpose district boards, or other municipal corporations or political subdivisions of the state or local government shall participate in the planning process conducted by local emergency planning committees. This participation shall include, as a minimum, providing information concerning government-owned or controlled emergency response assets, reviewing plans developed by the committee, and concurring that the final plan can be executed with existing resources.
- (2) In local governments where local emergency management agencies receive state or federal funds, those agencies shall provide administrative and planning support to the committee as specified by the director of the division.
- (3) If state or federal funds are appropriated specifically to support emergency response planning or other portions of Pub. L. No. 99-499, these funds may be allocated to local emergency management agencies and may be expended as specified by the director.
- (4) Local governments may enact ordinances specifying standards which owners or operators of facilities shall meet to provide warning of releases to workers and to the public which may be affected by a release.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 71, effective July 15, 1998.

39E.150 Plan development, approval, and review.

- (1) Plans developed under the guidance of the state commission shall be a part of the local emergency operations plan's hazardous materials annex. These plans shall be consistent with the requirements and criteria prescribed by the Kentucky Emergency Operations Plan's hazardous materials annex and shall emphasize a coordinated response by all local emergency response organizations.
- (2) If, in the judgment of the commission, the local plan is inadequate, or is inconsistent with the Kentucky Emergency Operations Plan, the local plan shall be returned to the committee and the committee shall revise the plan until approved by the commission.
- (3) Local committees shall annually review and update, where appropriate, each plan and submit revisions to the commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 72, effective July 15, 1998.

39E.160 Response to be consistent with plan.

After the state commission approves plans developed by each local emergency planning committee, emergency response organizations of each city, county, urban-county government, and charter county government shall respond in a manner consistent with those plans.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 73, effective July 15, 1998.

39E.170 State agency response.

Agencies of state government shall respond, within the confines of the Kentucky Emergency Operations Plan and agency policies, to releases of hazardous substances. Each response shall be consistent with the hazardous materials annex of the Kentucky Emergency Operations Plan. If an on-scene response is required by the Kentucky Emergency Operations Plan or by agency policy, state agencies shall cooperate with one another and with local emergency response organizations and with the party or parties responsible for that release.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 74, effective July 15, 1998.

39E.180 Claims to be filed with Board of Claims.

Any claims against the commission or committees or their members shall be filed with the State Board of Claims in accordance with KRS Chapter 44.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 75, effective July 15, 1998.

39E.190 Report of release of substance.

When a release of a substance covered under Title III, Pub. L. No. 99-499 and administrative regulations promulgated under this chapter occurs in a reportable quantity, the owner or operator of the facility where the release occurs, or the owner or operator of the vehicle transporting the hazardous substance, shall notify the local and state warning points within times established by administrative regulation. These regulations shall also specify information to be provided upon initial report and in written follow-up reports.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 76, effective July 15, 1998.

39E.200 Establishment of warning and notification standards.

- (1) The state commission shall, by administrative regulation promulgated by the Division of Emergency Management, establish warning and notification standards, which shall include, but not be limited to:
 - (a) The establishment of twenty-four (24) hour warning points;
 - (b) Public warning; and
 - (c) Notification of local emergency response organizations.
- (2) Any notification made pursuant to this chapter shall not relieve the facility owner or operator or other responsible party of any notification required by other state or federal laws or regulations.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 77, effective July 15, 1998.

39E.210 Report of inventories and location of extremely hazardous substances.

The division shall, upon direction of the commission, promulgate administrative regulations requiring manufacturers, users, or storers of hazardous substances to report information concerning inventories and locations of those substances. These administrative regulations shall use, by reference, lists of extremely hazardous substances and forms issued by the United States Environmental Protection Agency or by the Kentucky Emergency Response Commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 78, effective July 15, 1998.

39E.220 Additional information may be required.

Upon request of the commission or local committee, facilities covered by those administrative regulations required in KRS 39E.210 shall, within the time periods prescribed by federal law, provide additional information necessary for developing and implementing the emergency plan about each substance to include, but not be limited to, material safety data sheets.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 79, effective July 15, 1998.

39E.230 Reports available to public -- Protection of trade secrets.

Reports to the commission or committee shall be available to the public upon request in accordance with the provisions of KRS 61.870 to 61.884 relating to open records, if this information is not protected from release to the general public as a trade secret under federal law. Reasonable fees, consistent with KRS 61.874, may be charged for reproduction of these reports.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 80, effective July 15, 1998.

39E.240 Chapter supplemental to other laws.

No section of this chapter shall be construed as repealing any other laws of the Commonwealth, but it shall be held and construed as ancillary and supplemental to those laws.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 81, effective July 15, 1998.

39E.990 Penalties.

- (1) Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.
- (2)
 - (a) When a person violates KRS 39E.120, 39E.130, 39E.190, or 39E.220, the commission chairman shall proceed against that person under paragraph (b) of this subsection or subsection (3) of this section but not both.
 - (b) Any person violating KRS 39E.120, 39E.130, or 39E.220 shall, upon the first conviction thereof, be fined not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.120, 39E.130, or 39E.220 shall, upon subsequent convictions, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). If any offense is continued for more than one (1) day, each day upon which such offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.190 shall, upon the first conviction, be fined not less than one thousand dollars (\$1,000) nor more than twenty-five hundred dollars (\$2,500). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.190 shall, upon subsequent conviction, be fined not less than twenty-five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed.
- (3) Any person violating any provision of this chapter shall be assessed a civil penalty of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500). If any violation is continued for more than one (1) day, each day upon which the violation occurs or is continued shall be considered and constitute a separate violation and a separate civil penalty may be imposed therefor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 82, effective July 15, 1998.

39F.010 Definitions for chapter.

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "General rescue squad" means a rescue squad which performs one (1) or more of the following functions as a stated mission of the organization:
 - (a) Light duty rescue;
 - (b) Extrication of persons from vehicles;
 - (c) Water rescue and recovery operations not utilizing divers;
 - (d) Search for lost, trapped, or missing persons not utilizing dogs;
 - (e) Low angle rescue and recovery operations; and
 - (f) High angle rescue and recovery operations.
- (2) "Impaired adult" means a person age eighteen (18) years of age or older who has a verified mental or cognitive impairment and whose disappearance poses a credible threat to the health or safety of the person, as determined by a local law enforcement agency.
- (3) "Reports and notification" means the reporting and notification of any search and rescue mission to the appropriate agency or person in the manner as specified by this chapter.
- (4) "Rescue" means gaining access, rendering appropriate care, and transporting of a person or persons by whatever means, to a safe environment for appropriate care.
- (5) "Rescue squad" means any organization which engages in the search for lost persons, rescue of persons, rescue of persons who are trapped or who are in need of rescue services, search for and recovery of drowned persons, or any other rescue related activity. "Rescue squad" shall not include the rescue of persons from a fire by a fire department, the extrication of persons from a vehicle or other activities which an emergency medical technician, emergency medical technician first responder, or paramedic is authorized to perform pursuant to applicable statutes and administrative regulations, if the activities are performed by a person for an ambulance service or in the role of a first responder. If these activities are performed other than as a first responder or in the role of an ambulance service and are involved in rescue operations, they come within the purview of activities of a rescue squad.
- (6) "Search" means the process of looking for a person or persons whose location is not precisely known, and who may be in distress.
- (7) "Search and rescue" ("SAR") means the process of looking for a lost, missing, or overdue person or persons who may be in distress, and rendering care with the use of appropriately trained and adequately equipped personnel.
- (8) "Search and rescue mission" includes, but is not limited to, searching for a missing or lost person or persons, cave rescue, high angle or rough terrain rescue, urban search and rescue, dive rescue and recovery of drowning victims, inland water search, rescue, and recovery. "Search and rescue" may also include any mission permitted pursuant to this chapter. A "search and rescue mission" does not include

mine rescue missions under the jurisdiction of the Department for Natural Resources pursuant to KRS Chapter 351.

- (9) "Specialized rescue squad" means a rescue squad which performs one (1) or more of the following functions as the primary or sole mission of the organization:
- (a) Cave rescue;
 - (b) Search utilizing dogs for lost, trapped or missing persons;
 - (c) Search for lost, trapped or missing persons, aircraft, or vehicles, utilizing aircraft, but does not apply to licensed air ambulances, active or reserve military organizations, the National Guard, or the Civil Air Patrol; and
 - (d) Water rescue and recovery operations utilizing divers.
- (10) "Victim recovery" means the search for and the removal to the jurisdiction of the coroner of the remains of a person known or believed to be dead. If the person is found alive, it includes rescue of the person.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 109, sec. 1, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 123, sec. 10, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 226, sec. 83, effective July 15, 1998.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 109, sec. 4, provides that Sections 1 to 3 of this Act, which included an amendment to this statute, shall be know as the "Golden Alert Bill."

39F.020 Rescue squads -- Formation -- Authorization to operate within a jurisdiction -- Functions -- Public notification of lost or missing impaired adults.

- (1) Rescue squads may be formed and duly authorized to perform in the public interest. Authorization to operate within a jurisdiction may be granted by the chief elected official of each urban-county government, charter county government, county, or city which the squad proposes to serve. Rescue squads shall have a formal affiliation with the local disaster and emergency services organization. The statement of affiliation shall be renewed annually.
- (2) Except as provided in KRS 39F.040, a rescue squad shall be composed of at least twelve (12) active members and shall maintain at least one (1) vehicle dedicated to rescue service. Squads may operate in conjunction with a fire division, or may operate as a separate unit.
- (3) Each rescue squad shall develop and maintain bylaws and written procedures to specify, at a minimum, election or appointment, succession, and term of officers; financial accounting; property accountability; and rules of notification and response to emergencies.
- (4) Rescue squads shall contribute to public safety and welfare by performing functions which may include but not be limited to: removal of victims trapped in vehicles or structures; search for lost or missing persons or missing impaired adults, except those sought for criminal acts; first aid; emergency evacuation; recovery of drowning victims; recovery of any corpse if not accessible by ambulance or hearse and if so authorized by the coroner; and traffic control at an accident scene when requested by law enforcement authorities. Rescue squads organized for the purpose of searching for lost or missing impaired adults shall work in cooperation with local media outlets to notify the public that an impaired adult is lost or missing. Rescue squads shall not engage in law enforcement activities other than traffic control.
- (5) The division shall administer funds appropriated for rescue equipment and training and the division shall promulgate administrative regulations to be applied to all rescue squads that apply for financial assistance.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 109, sec. 2, effective July 15, 2008. -- Created 1998 Ky. Acts ch. 226, sec. 84, effective July 15, 1998.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 109, sec. 4, provides that Sections 1 to 3 of this Act, which included an amendment to this statute, shall be know as the "Golden Alert Bill."

39F.030 Regional or statewide specialized rescue services -- Alternative affiliations agreement and alternative vehicle and equipment requirements.

- (1) A rescue squad which proposes to provide regional or statewide specialized rescue services may apply to the director for an alternative affiliation agreement and alternative vehicle and equipment requirements in lieu of those specified in KRS 39F.120 under the following terms and conditions:
 - (a) The rescue squad meets all of the requirements specified in KRS 39F.120 except for a local affiliation agreement, vehicle dedicated solely to rescue service, or possession of basic rescue equipment.
 - (b) The director accepts, in writing, that the rescue squad will provide a needed rescue service either on a regional or statewide basis.
 - (c) The rescue squad and the director execute an affiliation agreement containing the same information required in KRS 39F.120 for a local affiliation agreement.
 - (d) The rescue squad maintains specialized rescue equipment appropriate to its mission as specified in the affiliation agreement or an annex thereto.
 - (e) The requirement for a vehicle dedicated solely to rescue service may be waived, in writing, by the director upon determination that having a specific vehicle may be inappropriate to the mission of the rescue squad and that the rescue squad has adequate means of transportation enabling it to respond in an efficient manner.
 - (f) The rescue squad, when requested to provide services, shall immediately notify and coordinate activities with the local director and with the local rescue squads serving the county in which the response is requested.
- (2) Agreements specified in subsection (1) of this section shall be renewed annually.
- (3) Rescue squads participating in the alternative program specified in this section shall be eligible to participate in rescue grant funding, state sponsored workers' compensation, training, and other programs of the division.
- (4) Rescue squads operating under an agreement pursuant to this section may respond in any county covered by the agreement, or statewide if the agreement permits. Rescue squads covered under an agreement pursuant to this section may respond in counties not covered by the agreement only by request of the rescue squad or public officials in that county or upon request of the director or his designee.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 85, effective July 15, 1998.

39F.040 Specialized squad using search dogs -- Requirements -- Organization of general rescue squad.

- (1) One or more persons with search dogs and handlers may constitute a specialized rescue squad using search dogs, under the terms and conditions as specified in writing by the director;
- (2) Each handler of a dog shall have a vehicle available for the transportation of the dog and handler to the scene of a search;
- (3) Each handler shall meet the training requirements of the statutes and administrative regulations relating to searching with dogs;
- (4) The primary dog utilized in responding to the search shall be certified in accordance with the statutes and administrative regulations;
- (5) Each handler shall have the equipment required by statute or administrative regulation for searching with dogs; and
- (6) No single search dog handler shall engage in general rescue squad activity or specialized rescue squad activity unless he or she is a member of such an organization.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 86, effective July 15, 1998.

39F.050 Organization of general rescue squad.

- (1) A general rescue squad shall be organized pursuant to KRS 39F.020 or 39F.030 and shall engage in one or more of the activities listed in the definition of a general rescue squad. A general rescue squad may engage in any other activity, other than ones prohibited by law or administrative regulation, if the activity is specified in its mission statement.
- (2) A general rescue squad shall not engage in a specialized rescue squad activity as a primary mission unless it meets the requirements of subsection (3) of this section. A general rescue squad may engage in a specialized rescue squad activity as an initial responding unit within its service area, however, upon responding to such an activity, the highest officer in command of the response shall cause the immediate notification of the appropriate specialized rescue squad, the local director, and the duty officer of the Division of Emergency Management.
- (3) A general rescue squad may engage in a specialized rescue squad activity if:
 - (a) That activity is specified in its mission statement;
 - (b) The rescue squad has twelve (12) persons including a commanding officer from within its membership of the rescue squad whose mission statement is to engage in the specialized rescue squad activity;
 - (c) The persons assigned to the specialized rescue squad activity meet the training requirements specified by statute and by administrative regulation;
 - (d) The rescue squad has the equipment required by administrative regulation to engage in the specialized rescue squad activity listed in its mission statement; and
 - (e) The rescue squad has a vehicle for transporting the required equipment to the scene.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 87, effective July 15, 1998.

39F.060 Activities permitted for general and specialized rescue squads.

- (1) A general rescue squad may engage in general and any specialized rescue squad activity utilizing one or more vehicles that hold all of the equipment required for both the general and specialized rescue squad activities specified in its mission statement.
- (2) A specialized rescue squad may engage in one or more specialized rescue squad activities or general rescue squad activities utilizing one or more vehicles that hold all of the equipment required for the specialized, or general and specialized, rescue squad activities specified in its mission statement.
- (3) The director may waive, in writing, the requirement, upon good cause shown, and upon written alternative plan submitted by a specialized rescue squad showing that adequate response equipment can be transported to the scene in an efficient manner without the necessity for a squad-owned vehicle.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 88, effective July 15, 1998.

39F.070 Specialized rescue squad -- Activities permitted.

- (1) A specialized rescue squad shall engage in one or more of the activities listed in the definition of a specialized rescue squad. A specialized rescue squad may engage in any other activity, other than the ones prohibited by law or administrative regulation, if the activity is specified in its mission statement.
- (2) A specialized rescue squad shall not engage in a general rescue squad activity as a primary mission unless it meets the requirements of subsection (3) of this section. A specialized rescue squad may engage in a general rescue squad activity as an initial responding unit within its service area, however, upon responding to that activity, the highest officer in command of the response shall cause the immediate notification of the appropriate general rescue squad for assistance, the local director, and the duty officer of the Division of Emergency Management.
- (3) A specialized rescue squad may engage in a general rescue squad activity if:
 - (a) That activity is specified in its mission statement;
 - (b) The rescue squad has twelve (12) persons including a commanding officer from within the membership of the specialized rescue squad whose mission statement is to engage in the general rescue squad activity;
 - (c) The persons assigned to the general rescue squad activity meet the training requirements specified by statute and administrative regulation;
 - (d) The rescue squad has the equipment required by administrative regulation to engage in general rescue squad activity as listed in its mission statement; and
 - (e) The rescue squad has a vehicle for transporting the required equipment to the scene.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 89, effective July 15, 1998.

39F.080 State coordinator for search and rescue -- Appointment and duties.

The director of the Division of Emergency Management shall appoint a state coordinator of search and rescue, who shall:

- (1) Identify, inventory, and coordinate resources available for searches and rescues;
- (2) Investigate and apply for grants and other financial assistance for searches and rescues;
- (3) Maintain statistics regarding searches and rescues;
- (4) Coordinate assistance during searches and rescues;
- (5) Act as liaison with other states' operations involving searches and rescues;
- (6) Provide assistance, upon request, during searches and rescues;
- (7) Prepare a plan for searches and rescues;
- (8) Prepare and distribute publications relating to searches and rescues;
- (9) Establish, by administrative regulation, recommendations for organizations specializing in search and rescue, and certify organizations which meet those recommendations at the appropriate level;
- (10) Maintain a list of all certified organizations and resources;
- (11) Coordinate training in techniques of search and rescue; and
- (12) Coordinate requests for federal assistance with the Air Force Rescue Coordination Center.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 90, effective July 15, 1998.

39F.090 Coordinating and planning responsibility.

- (1) The local search and rescue coordinator of each political subdivision, appointed in accordance with KRS 39F.200, shall be responsible for coordinating and planning for local search and rescue activities. Operation of search and rescue activities shall be in accordance with the Kentucky Emergency Operations Plan, and the local emergency operations plan approved by the elected chief executives of each local political subdivision. The local search and rescue coordinator shall notify the duty officer of the Division of Emergency Management of all search and rescue missions. The local search and rescue coordinator shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision, and in registering emergency search and rescue workers. The chief of the appropriate law enforcement agency of each political subdivision may, upon request of the local director or local search and rescue coordinator, restrict access to a specific search and rescue area to personnel authorized by the local director. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. An unauthorized person shall not interfere with a search and rescue mission.
- (2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with the provisions of KRS Chapter 72.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 91, effective July 15, 1998.

39F.100 Rescue Aid Program -- Purpose.

The Rescue Aid Program, which is administered pursuant to this chapter and appropriations in the state budget, is designed to:

- (1) Reduce and prevent the loss of life by creating a better equipped, trained, and coordinated rescue force throughout the Commonwealth;
- (2) Upgrade the capabilities of local rescue squads by providing financial assistance to be used to purchase equipment and obtain training; and
- (3) Encourage the development of rescue squads where none exist.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 92, effective July 15, 1998.

39F.110 Rescue aid fund -- Duties of director of division -- Local director's responsibilities.

- (1) The director of the division shall have overall responsibility for policy, guidance, administration, implementation, and proper utilization of the rescue aid fund.
- (2) The director shall serve as principal liaison between the division and local officials participating in programs affected by the rescue aid fund, and shall ensure proper utilization of the rescue aid fund.
- (3) The director shall appoint an advisory committee consisting of seven (7) members, including no more than four (4) employees of the staff of the division to assist in making determinations related to rescue grant fund allocations, compliance with fund requirements, releasing equipment to rescue squads, and withdrawal and reallocation of equipment or funds. The members of the committee shall serve at the pleasure of the director, but for no more than four (4) years without reappointment, and shall serve without reimbursement, except when funded through the Emergency Management Assistance Program. The decisions of the committee shall be advisory only and shall not be binding upon the director.
- (4) The director, with the advice of the advisory committee, shall make determinations relating to rescue grant fund applications, releasing equipment to rescue squads, and withdrawal and reallocation of equipment or funds.
- (5) Area managers of the division shall fully explain rescue grant opportunities and requirements to local elected officials, local emergency management directors, and local rescue squads; review rescue grant fund applications, documentation and program submissions; and make recommendations to the director.
- (6) Local emergency management directors shall be responsible for submitting rescue grant fund applications and documentation of expenditures to the division, as required, and shall facilitate and ensure the coordination of local rescue programs to meet the needs of the communities served.
- (7) The chief officer of the rescue squad shall initiate rescue grant fund applications, submit all applications or documentation to the local emergency management director, and ensure that all funds are expended for items or services as approved.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 93, effective July 15, 1998.

39F.120 Requirements for rescue grant funding -- Written standard operating procedures -- Bylaws -- Rescue vehicle -- Membership -- Training -- Affiliation -- Service fee prohibited.

In order to ensure that rescue squads seeking funding under the rescue grant program achieve and maintain compliance with the provisions of this chapter, the following requirements shall be met:

- (1) Each rescue squad shall develop written bylaws to specify as a minimum:
 - (a) The mission of the rescue squad.
 - (b) The election or appointment, succession, and term of officers.
 - (c) Financial accounting and property accountability.
 - (d) Administrative procedures.
 - (e) Definition of active membership in the squad.
- (2) Each rescue squad shall develop written standard operating procedures which specify as a minimum:
 - (a) Procedures and rules for notification and response to emergencies.
 - (b) Procedures for all operations and response activities of the squad in accordance with the mission statement.
- (3) A current copy of the bylaws and a current copy of all standard operating procedures shall be sent by the squad to the division. Amendments to the bylaws and standard operating procedures shall be sent to the division within ten (10) working days of their adoption. The division shall maintain a file of rescue squad bylaws and standard operating procedures. These files shall be public records. Copies of the bylaws and standard operating procedures of the squad, updated as required in this subsection, shall also be sent concurrently to the local emergency management director.
- (4) Each rescue squad shall have a vehicle dedicated solely to rescue service. The make, model, year, vehicle identification number, and license number of each vehicle used by the squad solely for rescue service shall be supplied to the local emergency management director and to the division. When a new vehicle is put in service, or a vehicle is withdrawn from service, both the local director and the division shall be notified within ten (10) working days.
- (5) A minimum of twelve (12) persons shall be identified by name as active members of the rescue squad.
- (6) The active membership list of the rescue squad shall be submitted quarterly to the division through the area manager with a copy of the same list submitted concurrently to the local emergency management director.
- (7) The active membership list shall be continuously maintained in an accurate and current status by the rescue squad, and shall be available for inspection by state and local government officials, employees, and the public.
- (8) Rescue squads shall maintain a formal training program appropriate to accomplish the mission of the rescue squad.

- (a) The training program shall consist of not less than two (2) hours of formal training per month. Actual rescue missions shall not constitute training.
 - (b) To be eligible for continued funding, each squad shall report not less than one hundred sixty-eight (168) man-hours of training for its members annually. This training shall be reported on the incident and training reports submitted pursuant to this chapter.
 - (c) Training at a rescue school provided by an emergency management agency or other appropriate training may be utilized to meet the requirements of subsection (2)(b) of this section.
- (9) Rescue squads shall be formally affiliated with the local disaster and emergency services organization through the following means:
- (a) Execution of a city or county order or ordinance, the adoption of a written search and rescue plan pursuant to KRS 39F.190, and the promulgation of a written statement of affiliation as the local charter of authorization signed by the county judge/executive or mayor, the local emergency management director, and the chief rescue officer outlining a specific working agreement. The statement of affiliation shall be subject to annual renewal. No statement of affiliation shall be subject to automatic renewal; it shall be an affirmative process. The document shall include, as a minimum, call out authority, chain of command, the responsibilities of each concerned party, terms and conditions of the local charter of authorization to operate in the jurisdiction, and procedures for revocation of the local charter, and shall be reviewed by the chief elected official of the government signing it and the local director. Both shall certify, if signing the document, that they have reviewed the mission statement of the rescue squad and the statement of affiliation and that they find that the rescue squad possesses:
 - 1. Adequate numbers of trained personnel to perform the mission;
 - 2. Proper and adequate equipment, including at least all of the required equipment specified by administrative regulations of the division, to perform the mission, and that the equipment is in proper working order;
 - 3. A rescue vehicle, dedicated solely to rescue purposes, which is adequate to perform the mission of the squad, and is in proper working order; and
 - 4. Adequate command and control personnel, training, and policies to ensure that the squad can quickly and efficiently respond and perform its mission when called upon.
 - (b) Incorporation, into the statement of affiliation, of a finding by the chief elected official and the local director that, following review of the mission statement of the rescue squad and the statement of affiliation, the rescue squad is performing a function not performed by other agencies of government or private agencies or organizations. If other organizations are performing functions which are listed on the mission statement of the rescue squad, then the statement shall contain reasons why duplication of existing services of other organizations by the rescue squad is necessary; and

- (c) Incorporation of the responsibilities of the rescue squad into the rescue services annex of the local emergency operations plan or other appropriate annex.
- (10) If either the chief elected official or the local director declines to sign the statement of affiliation provided for in subsection (9) of this section, the rescue squad shall be without local charter and shall return to the division all equipment purchased with state funds. This return of equipment shall take place within five (5) days of the refusal of either designee to sign the statement of affiliation. Neither the chief elected official nor the local director shall be required to state a reason why they sign or decline to sign a statement of affiliation.
- (11) When a rescue squad is not independent, but is incorporated within other emergency service agencies or divisions, such as a fire department or fire division, the squad members shall be available for and capable of performing rescue services not incidental to their primary mission.
- (12) Rescue squads shall maintain a full complement of minimum equipment appropriate to the type of rescue to be undertaken. Minimum equipment lists and other requirements for rescue squads shall be promulgated by the director by administrative regulation.
- (13) Rescue squads shall not assess fees or charges for any rescue activity.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 94, effective July 15, 1998.

39F.130 Rescue and project funding -- Application and review process.

- (1) A rescue grant fund project application shall be initiated by the chief rescue officer and forwarded to the local emergency management director. The local director shall review all applications for completeness and accuracy, prioritize and consolidate the applications, and make recommendations thereon. In the absence of a local director, the county judge/executive shall fill this role.
- (2) The local director shall forward all applications to the area manager of the division, who shall review them, make recommendations thereon, and forward documentation to the director.
- (3) The director shall forward all applications to the advisory committee. The advisory committee shall meet during the months of April, August, and December on dates announced by the director, to assess applications and compliance and to make recommendations to the director with regard to allocations of funds, assessment of compliance, reallocations of funds, release of equipment, reallocation of equipment, and any other matters assigned by the director. The advisory committee shall:
 - (a) Hold only public meetings; and
 - (b) Maintain written minutes reflecting the actions of the advisory committee. All applications on file and all other matters pending shall be reviewed during each session and recommendations made thereon to the director.
- (4) Requests for funding shall be evaluated by the following criteria:
 - (a) Meeting the minimum eligibility criteria of KRS 39F.020 or 39F.120 and KRS 39F.030, unless some aspect thereof has been waived as provided in KRS 39C.090. In determining membership eligibility, no person may be counted as a member of more than one (1) rescue squad even though that person may be available to or a member of more than one (1) rescue squad. If possible, a squad of primary membership shall be determined and the person counted as a member of that squad. If this cannot be determined, the person shall not be counted as a member of any rescue squad;
 - (b) Unit and individual training;
 - (c) Number of rescue responses annually;
 - (d) Population served;
 - (e) Geographic area served;
 - (f) Number, type, and location of other rescue squads in the geographic area served;
 - (g) Equipment possessed by the squad; and
 - (h) The extent to which the rescue squad integrates its activities with the local emergency management program of the area served.
- (5) The advisory committee shall forward the applications together with its recommendations thereon to the director for final decision and allocations of funds. The division's administrative officer shall ensure timely payment of the funds.
- (6) The director shall maintain written reasons with regard to all funding decisions for a period of one (1) year from the time they are announced.

- (7) The director shall provide applicants with written decisions with regard to their applications.
- (8) Decisions and the reasons for any decisions regarding funding shall be made available to any person upon written request.
- (9) The local emergency management director shall maintain file copies of all applications and decisions thereon for at least five (5) years.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 95, effective July 15, 1998.

39F.140 Purchase, disposal, and inspection of equipment -- Audit of funds.

- (1) The rescue squad shall order or purchase with state or federal grant funds only the approved equipment, services, or training, and no other, within fifteen (15) days of the receipt of the grant funds and shall provide a copy of all paid invoices as well as proof of payment, (canceled check, cash paid receipt, or similar document), within ninety (90) days of the receipt of the grant funds. An extension of time periods may be granted for cause upon written application to the director. Requests for time extensions shall be submitted through the local emergency management director to the area manager, for transmittal to the director. The director may grant or deny extensions based upon need. Any funds not encumbered or expended during the grant period shall be returned to the division, unless authorized in writing by the director to make additional purchases with encumbered funds.
- (2) All equipment purchased with rescue aid funds shall be selected from the minimum equipment list unless an exception is approved by the director. Optional items shall not be approved until all items on the required list have been acquired.
- (3) The rescue squad shall be accountable to the Commonwealth of Kentucky for all equipment purchased in whole or in part with rescue aid funds, and shall ensure the storage or positioning of all equipment within the geographical boundaries of the Commonwealth at all times, except when being utilized on an out-of-state mission approved by the division. All equipment with a purchase price of three hundred dollars (\$300) or more shall be assigned a serial number provided by the division which shall be engraved on the equipment. After five (5) years from the date of purchase, all equipment costing less than three hundred dollars (\$300) shall be released to the squad. Equipment costing in excess of three hundred dollars (\$300) may be released to the squad after approval has been granted by the director. Squads requesting release of equipment shall define in writing the rationale and justification for the release.
- (4) Permission to dispose of unserviceable, obsolete, or damaged items, which have not been released to the squad pursuant to subsection (3) of this section, purchased in whole or in part with rescue aid funds, may be granted by the director. Requests for this action shall be submitted through the local emergency management director to the area manager for transmittal to the director.
- (5) When a rescue squad is disbanded, loses its local charter to operate, or otherwise becomes, in the determination of the director, incapable of performing its duties as provided in KRS 39F.020, all equipment purchased in whole or in part with rescue aid funds, and which has not been released to the squad pursuant to subsection (3) of this section, shall revert to the division for reallocation. If local funds were used to pay for a portion of the equipment or the equipment has depreciated, the squad may return the equipment to the division or repay an amount determined appropriate by the director. The option of repayment shall exist only upon the disbanding, loss of local charter, or determination of inability of the squad to perform its duties.
- (6) In making determinations with regard to equipment which a rescue squad possesses either for funding or accountability purposes, equipment personally owned by members of a rescue squad shall not be counted for any purpose. Personally owned

equipment shall not be used to fulfill the requirements of the minimum equipment list for the squad.

- (7) Equipment which has been purchased in whole or in part with rescue aid funds, and which has not been released to the squad pursuant to subsection (3) of this section, shall be subject to inspection upon twenty-four (24) hours notice, by the local emergency management director, an area manager, or any other employee of the division.
- (8) An inspection shall be made when accountable items are reported damaged, in need of replacement, or where there is evidence of misuse. Inspections may also be made upon the request of the local director, an area manager, or the director.
- (9) An annual inspection of equipment purchased in whole or in part with rescue aid funds, and which has not been released to the squad pursuant to subsection (3) of this section, may be conducted by the local director, or an area manager. The review shall be made to ensure accountability, or proper maintenance and utilization of the equipment.
- (10) All funds provided pursuant to KRS 39F.100, 39F.110, 39F.120, 39F.130, 39F.140, 39F.150, and 39F.160 shall be subject to state audit and rescue squads shall cooperate fully to provide necessary documentation and other support required for the audit.
- (11) A rescue squad aggrieved by a decision of the division to withdraw funds or equipment allocated to the rescue squad pursuant to subsection (5) of this section may appeal the decision in the manner provided in KRS 39C.080.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 96, effective July 15, 1998.

Legislative Research Commission Note (7/15/98). Although 1998 Ky. Acts ch. 226, sec. 96 had a citation to "Section 94 of this Act" (codified as KRS 39F.120) in subsection (5) of this statute, it is clear from context that Section 84 (codified as KRS 39F.020) was intended, and this manifest clerical or typographical error has been corrected in codification KRS 7.136(1)(h).

39F.150 Reports of lost, stolen, or damaged equipment or loss of capability to operate -- Quarterly incident and training reports.

- (1) A report shall be made by the chief officer of the rescue squad to the local director and the area manager of the division within forty-eight (48) hours when:
 - (a) Accountable equipment purchased with rescue aid funds is lost, stolen, or damaged; or
 - (b) The squad is disbanded, loses its local charter to operate, or is otherwise rendered incapable of performing its duties as outlined in this chapter.
- (2) Local emergency management directors shall maintain a cumulative list of equipment owned by each rescue squad participating in the rescue aid program, denoting those items purchased with rescue aid funds. An updated list shall be submitted to the area manager each time a rescue aid grant application is submitted.
- (3) Rescue squads participating in the rescue aid program or who receive workers' compensation benefits through the division shall complete quarterly incident and training reports reflecting rescue squad activity or the lack thereof, as appropriate, and submit these reports to the local director and the area manager within ten (10) days from the end of the quarter. The area manager shall transmit the reports together with any comments thereon to the director within ten (10) days of receipt thereof.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 97, effective July 15, 1998.

39F.160 Rescue squad taxing districts.

- (1) A rescue squad taxing district may be created by the fiscal court pursuant to KRS 65.182 or 65.188.
- (2) The ad valorem tax that may be imposed for the maintenance and operation of the district shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of all property in the district.
- (3) Upon the creation of a district, the district so established shall be a taxing district within the meaning of Section 157 of the Constitution of Kentucky.
- (4) The district ad valorem taxes shall be collected by the sheriff in the same manner as county ad valorem taxes. The sheriff shall be entitled to a fee of four percent (4%) of the amount of the tax collected for the district.
- (5) The affairs of the district shall be controlled by a board of directors appointed by the county judge/executive, the mayor of an urban-county, or the chief executive of another local government with the approval of the legislative body of that jurisdiction.
 - (a) If the district consists of one (1) county, three (3) directors shall be appointed;
 - (b) If the district consists of two (2) counties, the county judge/executive of the county having the greater portion of the population of the district shall appoint two (2) directors and the county judge/executive of the other county shall appoint the third director;
 - (c) If the district consists of more than two (2) counties, the county judge/executive of the county having the greatest portion of the population of the district shall appoint two (2) directors and the county judge/executive of the remaining counties comprising the district shall each appoint one (1) director;
 - (d) The legislative body of each city of the first three (3) classes, or if there is no such class of city, the city of the highest class located within the district shall appoint one (1) additional director.
- (6) The board of directors shall be appointed within thirty (30) days after the establishment of the district. Each board member shall reside within the county or city for which appointed. Directors shall be appointed for terms of two (2) years each, except that initially the appointing authority shall appoint a minority of the board members for one (1) year terms. Subsequent terms shall all be for two (2) years. Any vacancies shall be filled by the appointing authority for the unexpired term.
- (7) A majority of the membership of the board shall constitute a quorum.
- (8) A member of the board of directors may be removed from office as provided by KRS 65.007.
- (9) The board of directors shall provide rescue service to inhabitants of the district and may:
 - (a) Purchase vehicles and all other necessary equipment and employ trained personnel who meet all federal and state requirements;

- (b) Adopt rules and regulations necessary to effectively and efficiently provide rescue service for the district. Rules and regulations shall be consistent with the provisions of this chapter;
 - (c) Employ persons to administer the daily operations of the rescue service;
 - (d) Compensate employees of the district at a rate determined by the board;
 - (e) Apply for and receive available funds from the state and federal government for the purpose of maintaining or improving the rescue service of the district; and
 - (f) Acquire by bequest, gift, grant, or purchase any real or personal property necessary to provide rescue service.
- (10) A district shall be eligible for grants pursuant to KRS 39F.130 and workers' compensation coverage pursuant to KRS 39F.170.
- (11) Tax revenues of a rescue squad taxing district shall be used only for rescue services as described in this chapter. Tax revenues of a rescue squad taxing district shall be distributed among all rescue squads in the district in proportion to the percentage of the district's population served by each squad.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 98, effective July 15, 1998.

39F.170 Workers' compensation coverage -- Limitations -- Enrollment.

Rescue squad organizations or members of them or individuals associated with them for the purposes of receiving workers' compensation benefits paid by the division shall be covered by those benefits when performing emergency preparedness, response, or recovery functions, with the following limitations:

- (1) Rescue squad organizations and individuals shall not be covered when performing fundraising functions, unless all proceeds of the function are to be dedicated to the administration or operation of the rescue squad organization.
- (2) Rescue squad organizations and individuals shall not be covered when involved in any law enforcement activity, including security or evidence recovery, except for traffic control at an accident scene or the recovery of evidence by diving or dragging when the assistance is requested by law enforcement authorities.
- (3) Rescue squad organizations and individuals shall not be covered when the primary purpose of the mission is the provision of emergency medical care or first aid. However, coverage shall be extended when:
 - (a) A rescue squad provides emergency medical transportation when inclement weather or rough terrain prevents a regular ambulance from providing transportation. Transportation may be provided only upon request of the appropriate emergency medical services agency. The distance of travel shall be restricted to the nearest appropriate medical facility or ambulance;
 - (b) Additional personnel or equipment are required to supplement existing emergency medical services which have been overtaxed at an incident which is subsequently declared as an emergency by any official authorized to make such a determination; or
 - (c) A rescue squad provides first aid, or emergency medical care is rendered as a necessary function during a rescue mission, and the primary purpose of the mission was the rescue and not the provision of emergency medical care.
- (4) Rescue squad organizations or individuals shall not be covered when engaging in firefighting unless the firefighting was performed as a secondary function to protect persons involved in a rescue mission.
- (5) Rescue squad organizations or individuals shall not be covered when engaging in hazardous materials response, containment, cleanup, or other operations related to hazardous materials, when operating at the hazardous materials technician or hazardous materials specialist level of operation as defined in 29 C.F.R. 1910.120.
- (6) No person shall be covered unless enrolled on a workers' compensation enrollment form and filed with the area manager of the division, except when the magnitude of an emergency, or a training exercise, is so great that a local emergency management director must solicit additional workers. At these times, the local director may develop and maintain a list of workers, to include names, Social Security account numbers, missions assigned, and dates covered and submit a copy of the list to the area manager of the division within twenty-four (24) hours of the conclusion of the emergency or the training exercise.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 99, effective July 15, 1998.

39F.180 Reports of search and rescue missions -- Immediate search for lost, missing, or overdue person permitted.

- (1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:
 - (a) The local emergency management director; and
 - (b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.
- (2)
 - (a) Any search for a missing minor, as that term is defined in KRS 2.015, shall be reported to the Department of Kentucky State Police by the person or organization to whom the missing minor is reported.
 - (b) A search for a person who is known or reported to have an organic brain disorder, including but not limited to Alzheimer's disease, shall immediately be reported as a Golden Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.
 - (c) The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.
- (3) Any search and rescue mission which has lasted four (4) hours without the subject being located shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio.
- (4) The results of each lost, missing, or overdue person report or search mission required to be reported under subsections (1) to (3) of this section shall be reported to the division and the local director on forms provided by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:
 - (a) The search and rescue mission is discontinued; or
 - (b) The victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.
- (5) Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling and reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.

- (6) The contents of reports, information to be conveyed upon notification, and other matters relating to the administration of this section and the securing of information required hereby shall be specified by the division by administrative regulations.
- (7) There is no requirement in Kentucky to delay the search for or rescue of any lost, missing, or overdue person. Any person who is reported lost, missing, or overdue, adult or child, may be searched for immediately by any emergency management, fire, law enforcement, emergency medical services, search and rescue, rescue squad, or other similar organization to which a missing or overdue person is reported. No public safety answering point, emergency dispatch center, or 911 center shall delay any call reporting a person lost, overdue, or missing to the organization specified in the county search and rescue annex of the county emergency management plan as responsible for searching for lost, missing, or overdue persons.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 109, sec. 3, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 122, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 136, sec. 1, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 100, effective July 15, 1998.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 109, sec. 4, provides that Sections 1 to 3 of this Act, which included an amendment to this statute, shall be know as the "Golden Alert Bill."

39F.190 Development of comprehensive written search and rescue plan.

- (1) Each local search and rescue coordinator shall assist local rescue squads in developing a comprehensive written search and rescue plan which shall address as a minimum:
 - (a) Direction and control responsibilities or incident command system procedures;
 - (b) Notification and reporting procedures and requirements;
 - (c) Call-out procedures;
 - (d) Resource identification;
 - (e) Coordination of resources;
 - (f) Mutual aid agreements;
 - (g) Training requirements for search and rescue responders and managers;
 - (h) Coordination of all on-scene operations with other local, state, and federal agencies; and
 - (i) The provision of copies of topographical maps for search team members.
- (2) The local search and rescue plan shall be incorporated into the rescue services annex of the local emergency operations plan and submitted for review and adoption as part of the local emergency operations plan.
- (3) The local search and rescue plan shall be a public record and shall be updated not less than annually. A copy of the plan shall be filed with the division not less than ten (10) days after each update or amendment.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 101, effective July 15, 1998.

39F.200 Local search and rescue coordinator.

Each local emergency management director shall assume the duties of, or appoint with the concurrence of the fiscal court, city governing body, urban-county council, consolidated local government, or governing body of other local government, a local search and rescue coordinator who shall be responsible for the coordination of all search and rescue resources and operations during all search and rescue missions within the city or county. The position of local search and rescue coordinator may be a volunteer position. The local search and rescue coordinator, if appointed by the local emergency management director, shall serve a similar term not to exceed four (4) years, but may be reappointed for a similar term upon the expiration of a previous term. The local search and rescue coordinator may be removed for cause at any time by the local director, with the concurrence of the fiscal court, city governing body, urban-county council, or governing body of other local government. The local search and rescue coordinator shall successfully complete training in search management, search techniques, and incident command required by the division by administrative regulation.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 11, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 226, sec. 102, effective July 15, 1998.

39F.210 Administrative regulations.

The Division of Emergency Management may promulgate administrative regulations which address minimum training requirements and standards of response for individuals, agencies, and organizations who respond to the following search and rescue missions:

- (1) Searching for missing, lost, or overdue person or persons;
- (2) Cave rescue;
- (3) Dive rescue and recovery of drowning victims;
- (4) Inland water search, rescue, and recovery;
- (5) Search dogs and handlers; testing and certification;
- (6) Urban search and rescue; and
- (7) High angle or rough terrain rescue and recovery.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 103, effective July 15, 1998.

39F.990 Penalty.

Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 104, effective July 15, 1998.

**39G.010 Kentucky Office of Homeland Security executive director -- Duties --
Delegation of duties -- Notification of disaster or emergency.**

- (1) The Kentucky Office of Homeland Security shall be attached to the Office of the Governor and shall be headed by an executive director appointed by the Governor.
- (2) The executive director shall:
 - (a) Publicize the findings of the General Assembly stressing the dependence on Almighty God as being vital to the security of the Commonwealth by including the provisions of KRS 39A.285(3) in its agency training and educational materials. The executive director shall also be responsible for prominently displaying a permanent plaque at the entrance to the state's Emergency Operations Center stating the text of KRS 39A.285(3);
 - (b) Establish and chair an interagency working group composed of the chair of the Senate Veterans, Military Affairs, and Public Protection Committee, the chair of the House of Representatives Seniors, Military Affairs, and Public Safety Committee, state agency representation, and private agency representation. The working group shall have the purpose of identifying risks and needs and making a complete assessment of the preparedness of the Commonwealth to respond to acts of war or terrorism, including nuclear, biological, chemical, electromagnetic pulse, agro-, eco-, or cyber-terrorism;
 - (c) Serve as the State Appointed Administrator for the United States Department of Homeland Security;
 - (d) Implement all homeland security presidential and gubernatorial directives, including directives pertaining to state and local compliance with the National Incident Management System;
 - (e) Coordinate the efforts of the Kentucky Office of Homeland Security with the efforts of the federal Department of Homeland Security;
 - (f) Accept and allocate any homeland security funds in compliance with applicable federal and state laws and administrative regulations; and
 - (g) Inform the members of the General Assembly of the process by which a public agency applies for a federal homeland security grant and shall provide the following information to the members at least ninety (90) days before an application deadline:
 1. The application deadline;
 2. How a public agency can obtain an application form;
 3. How a public agency can obtain assistance in filling out an application form; and
 4. Any other information that would be helpful to a public agency interested in applying for a federal homeland security grant.
- (3) The executive director may delegate responsibilities created under this section to another executive branch agency.
- (4) The Kentucky Office of Homeland Security shall:

- (a) Develop and publish a comprehensive statewide homeland security strategy that coordinates state and local efforts to detect, deter, mitigate, and respond to a terrorist incident;
 - (b) Develop a comprehensive strategy addressing how state and federal funds and other assistance will be allocated within the state to purchase specialized equipment required to prevent and respond effectively and safely to terrorist incidents;
 - (c) Urge the state and local governments to exceed minimum federal requirements for receiving assistance in preparing to respond to acts of war or terrorism in the hope that the Commonwealth will become a national leader in this preparation;
 - (d) Provide information explaining how individuals and private organizations, including volunteer and religious organizations, can best prepare for and respond to incidents contemplated by this section and to other threatened, impending, or declared emergencies and whom to contact should they desire to volunteer help or services during such an emergency. The program shall identify and encourage these private organizations to specifically commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to these incidents; and
 - (e) Promulgate any administrative regulations necessary to carry out the provisions of this chapter.
- (5) The adjutant general, or his or her designee, shall concurrently notify the Governor and the executive director of the Office of Homeland Security of a disaster or emergency involving homeland security. The adjutant general, or his or her designee, shall be the Governor's primary point of contact for managing and responding to a disaster or emergency involving homeland security.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 193, sec. 1, effective July 12, 2006.

39G.020 Records and reporting -- Education of reporting entities -- Notification of available grants..

- (1) The Kentucky Office of Homeland Security shall identify and maintain a record of all federal homeland security funding, including grants, received in Kentucky. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.
- (2)
 - (a) Not later than September 15 of each year, each department headed by an elected officer, as identified in KRS 12.020 I., each cabinet headed by an appointed officer, as identified in KRS 12.020 II., and each department headed by an appointed officer, as identified in KRS 12.020 III., shall submit to the Kentucky Office of Homeland Security a record of all federal homeland security funding, including grants, received during the state fiscal year starting with the fiscal year ending June 30, 2005. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.
 - (b) Not later than August 1 of each year, each city, county, urban-county, charter county, consolidated local government, and special taxing district shall submit to its area development district a record of all federal homeland security funding, including grants, received during the state fiscal year by the city, county, urban-county, charter county, consolidated local government, special taxing district, or a public agency thereof, starting with the fiscal year ending June 30, 2005. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.
 - (c) Not later than August 15 of each year, each area development district shall group the records required under paragraph (b) of this subsection by county and submit them to the Governor's Office for Local Development.
 - (d) Not later than September 20 of each year, the Governor's Office for Local Development shall submit the records received under paragraph (c) of this subsection to the Kentucky Office of Homeland Security.
 - (e) Any funds received for the purpose of homeland security shall be monitored by the Kentucky Office of Homeland Security and subject to audit and compliance inspections as directed by the executive director.
- (3) The Kentucky Office of Homeland Security, area development districts, and the Governor's Office for Local Development shall educate entities that report under this section about their responsibilities under this section. If an entity is late in reporting under this section, the office, an area development district, or the Governor's Office for Local Development shall remind that entity of its reporting requirements under this section.
- (4) The Kentucky Office of Homeland Security shall directly notify the chief executive officer of each city, county, urban-county, charter county, and consolidated local

government concerning grants for homeland security projects as the grants become available.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 47, sec. 12, effective June 26, 2007. -- Created 2006 Ky. Acts ch. 193, sec. 2, effective July 12, 2006.

39G.030 Reports by office -- Contents of reports.

Each year by November 1, the executive director of the Kentucky Office of Homeland Security shall submit a written report to the Governor, the Auditor of Public Accounts, the Legislative Research Commission, and the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public Protection. The written report shall:

- (1) Assess the Commonwealth's preparedness to respond to acts of war or terrorism, including nuclear, biological, chemical, electromagnetic pulse, agro-, eco-, or cyber-terrorism;
- (2) Identify the priority of needs, areas of improvement, and the overall progress made with regard to the Commonwealth's preparedness; and
- (3) Provide a record of all federal homeland security funding, including grants, gathered under KRS 39G.020 since the last annual written report, as well as any other relevant homeland security funding information gathered by the Kentucky Office of Homeland Security. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use of the funding, and any unspent amount.
- (4) The Auditor of Public Accounts shall conduct an examination of revenues and expenditures provided under the annual written report and under KRS 39G.020(2)(c) and, if examination findings warrant, shall conduct audits. No later than January 30, the Auditor shall submit all examination and audit reports to the Senate Veterans, Military Affairs, and Public Protection Committee and the House Seniors, Military Affairs, and Public Safety Committee.
- (5)
 - (a) In addition to the annual report required under this section, the executive director of the Office of Homeland Security shall provide to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue a quarterly report on the receipt and expenditure of homeland security funds since the previous quarterly report.
 - (b) The report shall identify, at a minimum, the following:
 1. Amount and specific source of any homeland security funds received;
 2. Specific expenditures by amount, recipient, and intended or actual use; and
 3. Balance of funds remaining in the account.
 - (c) The initial quarterly report shall be submitted by October 15, 2006, and shall contain the required information on receipts and expenditures since the passage of the federal Homeland Security Act of 2002, Pub. L. No. 107-296.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 193, sec. 3, effective July 12, 2006.

39G.040 Commercial Mobile Radio Service Emergency Telecommunications Board attached to office.

The Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky, created in KRS 65.7623, shall be attached to the Office of Homeland Security for administrative purposes.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 193, sec. 4, effective July 12, 2006.

106 KAR 1:140. Emergency management funding.

RELATES TO: KRS 39A.050(2)(i)(j), 39C.010, 42 U.S.C. 5170(c), 5172, 5173, 5196, 50 U.S.C. 1521

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5170(c), 5172, 5173, 5196, 50 U.S.C. 1521

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(i) and (j) require the division to provide funds to a city, county, urban-county, or charter county government to support a local emergency management agency and comprehensive emergency management program. This administrative regulation establishes eligibility requirements to be met by a city, county, urban-county, or charter county government for emergency management funding.

Section 1. Definitions. (1) "Applicant" means a local emergency management agency of a city, county, urban-county, or charter county government established pursuant to KRS 39B.010 and 106 KAR 1:230.

(2) "Emergency management funding" means the funds defined in subsections (3), (4), (5), and (6) of this section.

(3) "Chemical Stockpile Emergency Preparedness Program Fund" means the funding established in 50 USC 1521.

(4) "Federal Disaster and Emergency Assistance Fund" means the funding granted to the division by the Federal Emergency Management Agency, under 42 USC 5170(c), 5172, and 5173.

(5) "Federal Emergency Management Assistance Fund" means the funding granted to the division by the Federal Emergency Management Agency, under 42 USC 5196.

(6) "Supplementary State Fund" means the fund established in KRS 39C.010 and 39C.020.

Section 2. Eligibility. (1) To be eligible for emergency management funding, a city, county, urban-county, or charter-county government shall:

(a) Submit documentation of the establishment of a local emergency management agency pursuant to 106 KAR 1:230;

(b) Submit documentation of the appointment of a local director pursuant to 106 KAR 1:240;

(c) Submit a signed memorandum of agreement issued by the Division of Emergency Management;

(d) Apply for emergency management funding through a local director who shall:

1. Ensure use of an appropriate application form provided by the division;

2. Ensure the official name of a local emergency management agency is used to specify the applicant in an application;

3. Exercise signatory authority established in KRS 39B.030(9) to execute an application and a memorandum of agreement issued by the division;

4. Maintain a file of an application and supporting material; and

5. Submit applications, memoranda of agreement, and supporting materials prepared for the city, county, urban-county, or charter-county government.

(2) A local director shall submit the materials required in subsection (1) of this section to an area manager for transmittal to the director.

Section 3. Compliance Requirements. (1) In maintaining eligibility of a city, county, urban-county, or charter-county government for emergency management funding, a local emergency management agency shall comply fully with:

- (a) 106 KAR 1:150;
- (b) 106 KAR 1:170;
- (c) 106 KAR 1:200;
- (d) 106 KAR 1:210; and
- (e) 106 KAR 1:220.

(2) Failure of a city, county, urban-county, or charter county government to achieve or maintain compliance eligibility for an emergency management program fund designated in Section 1 of this administrative regulation shall not automatically disqualify that local entity from eligibility for any other emergency management funding. (27 Ky.R. 1970; Am. 2834; 3073; eff. 5-14-2001.)

106 KAR 1:170. Local Emergency Management Agency Program quarterly report.

RELATES TO: KRS 39A.050(2)(j), 39C.080(2), 42 U.S.C. 5196, 50 U.S.C. 1521

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5196, 50 U.S.C. 1521

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(j) and 39C.080(2) require a local emergency management director to submit a quarterly work activity progress report to the division. This administrative regulation establishes the forms and supporting documentation to be submitted by a local director to meet the quarterly reporting requirement.

Section 1. Quarterly Report Documentation Requirements. To report quarterly work activity, a local director shall submit by January 15, April 15, July 15, and October 15:

(1) A completed KyEM Form 154, "Local Emergency Management Work Plan", incorporated by reference in 106 KAR 1:150;

(2) A completed KyEM Form 156, "Local Emergency Management Work Plan Progress Report"; and

(3) The minimum required documentation for a scheduled work plan objective as specified in "Local Program Guidance", incorporated by reference in 106 KAR 1:150.

Section 2. Incorporation by Reference. (1) "Local Emergency Management Work Plan Progress Report, September 2000" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1974; Am. 3073; eff. 5-14-2001.)

106 KAR 1:180. Project application.

RELATES TO: KRS 39A.050(2)(j), 39C.070(2), 42 U.S.C. 5196

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5196

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(j) and 39C.070(2) direct the division to require a local emergency management agency to submit a project application, with supporting material, to request financial assistance from the Emergency Management Assistance (EMA) Fund for administrative or operational equipment and for capital and procurement projects. This administrative regulation establishes an application form to request financial assistance from the EMA Fund for a project.

Section 1. Definitions. (1) "Emergency Management Assistance Fund" or "EMA Fund" means the funds defined in 106 KAR 1:140, Section 1(5) and (6).

(2) "Project" means a purchase or procurement of administrative or operational equipment, or a capital expenditure, in excess of \$500.

(3) "Project application" means a completed KyEM Form 170, "Division of Emergency Management Project Application".

Section 2. Project Application Requirement. To apply for financial assistance from the Emergency Management Assistance Fund for a project, a local director shall submit a completed project application.

Section 3. Incorporation by Reference. (1) "Division of Emergency Management Project Application, September 2000" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1975; Am. 2835; 3074; eff. 5-14-2001.)

106 KAR 1:190. Project application reimbursement.

RELATES TO: KRS 39A.050(2)(j), 39C.070(2), 42 U.S.C. 5196

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5196

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(j) and 39C.070(2) direct the division to require a local emergency management agency to submit a reimbursement claim, with supporting documentation, to request financial reimbursement for an approved project application from the Emergency Management Assistance (EMA) Fund. This administrative regulation establishes the reimbursement procedure required to request reimbursement from the EMA Fund for an approved project application established in 106 KAR 1:180.

Section 1. Definition. "Emergency Management Assistance Fund" or "EMA Fund" means the funds defined in 106 KAR 1:140, Section 1(5) and (6).

Section 2. Reimbursement Documentation. To apply for reimbursement from the EMA Fund, a local director shall submit the following to an area manager:

(1) A completed KyEM Form 160, "Local Emergency Management Assistance Claim Form" incorporated by reference in 106 KAR 1:160; and

(2) A vendor invoice or paid receipt. (27 Ky.R. 1976; Am. 2836; 3074; eff. 5-14-2001.)

106 KAR 1:200. Local plan.

RELATES TO: KRS 39A.070(5), 39B.020(3)(d), 39B.030(3), 39B.060, 39C.050(3), 39E.010(1), 39E.110(1)(a), (e), (f), 39E.150, 39F.190, 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39A.050(2)(j), (m), 39A.070(3), 39E.040(6), 39E.080(4), 42 U.S.C. 11002(c), 11003(c)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.030(3) requires a local emergency management director to develop a local emergency operations plan consistent with administrative regulations promulgated by the division. This administrative regulation establishes the requirements for processing a local plan.

Section 1. Definitions. (1) "Federal fiscal year" means a period beginning October 1 of a calendar year and ending September 30 of the following calendar year.

(2) "Local plan" means the written emergency operations plan of a city, county, charter county, or urban-county government pursuant to KRS Chapters 39A to 39F.

Section 2. Local Plan Requirement. (1) A local plan shall:

(a) Specify title headings for a basic plan and annexes corresponding to the Kentucky Emergency Operations Plan;

(b) Specify known hazards which may impact a local jurisdiction and a detailed analysis of each hazard;

(c) Catalogue emergency management and response personnel, equipment, facilities, supplies, materials, and services;

(d) Name the public, private, and volunteer personnel, agencies, entities, and departments comprising the membership of a local disaster and emergency services organization;

(e) Describe the duties and responsibilities of each local disaster and emergency services organization coordinator or agency representative assigned within a local plan; and

(f) Incorporate incident command or management system procedures into the direction and control annex.

(2) A local plan format and content shall comply with:

(a) Division of Emergency Management planning guidance entitled "Planning Handbook, 2001";

(b) Kentucky Emergency Response Commission planning guidance entitled "Title III Plan Guidance, March 2001"; and

(c) Where applicable, planning guidance published jointly by the Federal Emergency Management Agency and the Department of the Army entitled "Planning Guidance for the Chemical Stockpile Emergency Preparedness Program, May 17, 1996."

Section 3. Local Plan Process. (1) Before July 31 of each federal fiscal year, a local director shall complete the processing of a local plan.

(2) To process a local plan, a local director shall:

(a) Review the existing local plan;

(b) Consult the local emergency planning committee, the local search and rescue coordinator, elected officials, department heads, agency chiefs, and public or private officers and leaders, or their designees, who are members or participants of the local disaster and emergency services organization;

- (c) Prepare a local plan draft;
- (d) Submit a local plan draft to an area manager by May 1;
- (e) Submit corrected, amended, revised, or supplemental plan material specified and requested by an area manager within thirty (30) calendar days following receipt of a written request;
- (f) Upon receipt of written concurrence of the director, submit a local plan draft for official adoption, as specified in KRS 39B.030(3); and
- (g) Distribute an officially adopted local plan to disaster and emergency services organization plan custodians, a chairman of a local emergency planning committee, a local search and rescue coordinator, an area manager, and the director by July 31.

(3) A local emergency planning committee, through its chairman or other authorized representative of the committee, shall:

- (a) Review information reported under KRS 39E.120, 39E.210, and 39E.220, within thirty (30) days of receipt;

- (b) Within sixty (60) days following receipt from the regulated facility of the information specified in paragraph (a) of this subsection, including any information requested under KRS 39E.220:

- 1. Prepare and submit a local plan draft, pursuant to KRS 39E.150, through a local director, to an area manager, for transmittal to the Kentucky Emergency Response Commission Chairperson; and

- 2. Upon receipt of written approval of a local plan draft from the director, submit the approved local plan draft to a local director for official adoption and distribution;

- (c) By July 31 of each federal fiscal year:

- 1. Review an existing local plan required by KRS 39E.150; and

- 2. Prepare and submit the following through a local director, to an area manager, for transmittal to the director:

- a. An updated local plan draft; or

- b. A written notice that an existing local plan has been reviewed and is current as of the date of the notice.

(4) A local search and rescue coordinator shall:

- (a) Prepare and submit a local plan draft, pursuant to KRS 39F.190, to a local director;

- (b) By July 31 of each federal fiscal year:

- 1. Review an existing local plan required by KRS 39F.190; and

- 2. Prepare and submit the following to a local director:

- a. An updated local plan draft; or

- b. A written notice that an existing local plan has been reviewed and is current as of the date of the notice.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Planning Handbook, 2001";

- (b) "Title III Plan Guidance, March 2001"; and

- (c) "Planning Guidance for the Chemical Stockpile Emergency Preparedness Program, May 17, 1996".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1977; Am. 2837; 3074; eff. 5-14-2001.)

106 KAR 1:210. Local emergency management training.

RELATES TO: KRS 39A.050(2)(l), 39B.020(3)(d), 39C.050(1), (2)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.050(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(l) requires the division to institute emergency management training programs. KRS 39B.020(3)(d) requires a local director to attend required training. KRS 39C.050(1), (2) requires local emergency management agency personnel to complete required training. This administrative regulation establishes training requirements for a local director and other local emergency management agency personnel.

Section 1. Definitions. (1) "Emergency Management Development Program" means the training curriculum established in Section 2(2) and (3) of this administrative regulation.

(2) "Emergency management training" means a seminar, workshop, course, class, or instruction conducted, sponsored, specified, offered through, or approved by the division.

(3) "Federal fiscal year" means a period beginning October 1 of a calendar year and ending September 30 of the following calendar year.

(4) "Local staff member" means a deputy director, paid or volunteer, or a person appointed to a local emergency management agency pursuant to KRS 39B.070(3), and specified in KRS 39C.050(2).

(5) "Successfully complete" means to attend or participate in emergency management training and acquire and submit to the division a copy of an instructor-provided training completion certificate or record.

Section 2. Local Director Training Requirement. (1) Within thirty (30) days of appointment pursuant to KRS 39B.020(1), a local director shall successfully complete an orientation conducted by the division, covering Kentucky's emergency management system and programs administered by local directors in Kentucky.

(2) Within the first full federal fiscal year following appointment pursuant to KRS 39B.020(1), a local director shall successfully complete the following:

(a) A correspondence or Internet training course or an introductory course conducted by the division, covering incident command and incident management system basic concepts;

(b) A correspondence or Internet training course covering mitigation benefits, methods, resources and planning;

(c) A training course of at least four (4) hours covering emergency operations center basic concepts;

(d) A training course, conducted by the division, covering rapid assessment of disaster scenes and proper damage and reporting procedures; and

(e) A training course of at least eight (8) hours covering hazardous materials "first responder awareness level" emergency response competencies as defined by the U.S. Occupational Safety and Health Administration, to include instruction on employer and community operating procedures.

(3) By the second full federal fiscal year following appointment, a local director shall begin study to successfully complete the following:

(a) A training course, conducted or approved by the division, covering principles of the integrated emergency management system, including interagency teams, coordination methods, and emergency or disaster case studies;

(b) A training course, conducted by the division, covering development of a local emergency operations plan consistent with the Kentucky Emergency Operations Plan;

(c) A training course of at least twenty-four (24) hours, covering exercise assessment, design, delivery and evaluation skills, including a practical application component;

(d) A training course of at least two (2) hours covering local emergency planning committee member duties and Kentucky's system for implementation of the federal "Emergency Planning and Community Right-to-Know Act";

(e) A training course of at least twelve (12) hours covering hazardous materials "first responder operations level" emergency response competencies as defined by the U.S. Occupational Safety and Health Administration, to include instruction on Commonwealth of Kentucky hazardous materials response plans;

(f) A training course, offered or approved by the division, of at least eight (8) hours covering the eight (8) component elements of an incident command system and incident management system, to include practical application;

(g) A training module, offered by the division, covering the incident command system and incident management system competencies for the on-scene incident commander level as defined by the U.S. Occupational Safety and Health Administration for hazardous materials emergency response; and

(h) A training course of at least four (4) hours covering requirements and procedures for obtaining and implementing state and federal disaster assistance programs.

(4) A local director shall successfully complete:

(a) At least two (2) of the courses specified in subsection (3) of this section in each consecutive federal fiscal year until all courses are successfully completed;

(b) All courses of the Emergency Management Development Program within the first five (5) full federal fiscal years following appointment pursuant to KRS 39B.020(1);

(c) The emergency management training conducted annually in each federal fiscal year at a Governor's Emergency Management Workshop; and

(d) At least thirty-two (32) total hours of emergency management training in each federal fiscal year following appointment or reappointment pursuant to KRS 39B.020(1) or 39B.020(3).

(5) In meeting the annual training requirement established in subsection (4)(d) of this section, a local director shall receive credit for:

(a) Emergency management training completed in compliance with subsections (2) and (3) of this section;

(b) No more than two (2) hours per emergency management training correspondence course or Internet training course successfully completed, not to exceed a total of four (4) hours annually;

(c) No more than four (4) hours per division-sponsored emergency management training course a local director instructs, not to exceed a total of eight (8) hours annually; and

(d) The training required by subsection (4)(c) of this section.

Section 3. Local Staff Member Training Requirement. (1) In each full federal fiscal year following appointment a deputy director shall successfully complete at least sixteen (16) hours of training selected from:

- (a) Emergency management training listed in subsection (2) of this section;
- (b) No more than two (2) hours per emergency management training correspondence course or Internet training course successfully completed, not to exceed a total of eight (8) hours; and
- (c) No more than four (4) hours per division-sponsored emergency management training course a deputy director instructs, not to exceed a total of eight (8) hours.

(2) Except as provided in subsection (1) of this section, a local staff member shall successfully complete at least twelve (12) total hours of emergency management or administrative training in each full federal fiscal year following appointment.

Section 4. Request for Training Credit. (1) In meeting the annual emergency management training requirement specified in Section 2(4)(d) or 3 of this administrative regulation, a local director or local staff member may request credit for training not conducted or sponsored by the division.

(2) To request credit for training not conducted or sponsored by the division, a local director or local staff member shall:

- (a) Complete a KyEM Form 300, "Request for Training Credit" for each training course or instructional offering for which credit is requested; and
- (b) Submit a completed KyEM Form 300, "Request for Training Credit", to an area manager for transmittal to the director.

(3) A local director or local staff member may be eligible to receive emergency management training credit under this section if:

- (a) A completed KyEM Form 300, "Request for Training Credit" is approved, in writing, by the director; and
- (b) The training approved for credit is successfully completed.

Section 5. Training Documentation. A local director or local staff member shall submit documentation of all successfully completed emergency management training to an area manager within thirty (30) calendar days of receipt following completion of training.

Section 6. Incorporation by Reference. (1) "Request for Training Credit, September 2000" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1980; Am. 2839; 3075; eff. 5-14-2001.)

106 KAR 1:220. Local exercise.

RELATES TO: KRS 39A.050(2)(l), 39C.050(4), 39E.010(1), 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39A.050(2)(j), (m), 39A.070(3), 39E.040(6), 39E.080(4), 42 U.S.C. 11003(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(l) requires the division to institute exercise programs. This administrative regulation establishes requirements for exercising a local plan.

Section 1. Definitions. (1) "Exercise" means a test and evaluation of a local plan.

(2) "Federal fiscal year" means a period beginning October 1 of a calendar year and ending September 30 of the following calendar year.

(3) "Full-scale exercise" means a comprehensive test and evaluation of a local plan utilizing written objectives that emphasize the practice of multiple emergency functions and require actual deployment of policy, coordination, and operations personnel, equipment, and resources in response to a simulated emergency.

(4) "Functional exercise" means a limited test and evaluation of a local plan utilizing written objectives that emphasize the practice of direction and control procedures and require actual and simulated utilization of policy, coordination, and operations personnel, equipment, and resources in response to a simulated emergency.

(5) "Local plan" means the written emergency operations plan of a city, county, charter county, or urban-county government, pursuant to KRS Chapters 39A to 39F.

(6) "Tabletop exercise" means a group discussion, led by a facilitator, utilizing a written scenario narrative and a set of problem statements, directed messages, or prepared questions designed to test and evaluate a local plan.

Section 2. Tabletop Exercise Requirement. A tabletop exercise shall consist of the following:

(1) Development and use of a written scenario based on a hypothetical emergency situation; and

(2) Development and use of at least fifteen (15) written problem statements, directed messages, or prepared discussion questions worded specifically to test or evaluate the provisions of a local plan.

Section 3. Functional Exercise Requirement. A functional exercise shall consist of the following:

(1) At least twenty-five (25) percent staffing of a primary or alternate local emergency operations center;

(2) An operational test of communications and emergency power equipment in a local emergency operations center;

(3) Use of message forms or status boards in a local emergency operations center;

(4) Development and use of a written scenario based upon one (1) or more hazards specified in a local plan;

(5) Development and use of five (5) or more written exercise objectives;

(6) Testing of seven (7) or more disaster and emergency response functions specified in a local plan;

(7) Development and use of written evaluation criteria;

- (8) Designation and use of a lead evaluator; and
- (9) Conduct of an exercise critique involving exercise participants.

Section 4. Full-scale Exercise Requirement. A full-scale exercise shall consist of the following:

- (1) Completion of the requirements of Section 3 of this administrative regulation, except subsections (1), (5) and (6);
- (2) At least seventy-five (75) percent staffing of a primary or alternate local emergency operations center;
- (3) Development and use of ten (10) or more written exercise objectives;
- (4) Testing of fifteen (15) or more disaster and emergency services response functions specified in a local plan; and
- (5) Field deployment of at least five (5) emergency response and support agencies.

Section 5. Local Exercise Requirement. (1) Except as provided in subsection (2) of this section, a local director shall:

- (a) Schedule, design, conduct, and document one (1) tabletop, functional, or full-scale exercise by September 30 of each federal fiscal year; and
- (b) At least once during each period of four (4) consecutive federal fiscal years, include in an exercise specified in paragraph (a) of this subsection, testing and validation of a local plan specified in KRS 39E.150.

(2) During each period of four (4) consecutive federal fiscal years, a local director shall schedule, design, conduct, and document at least one (1) functional or full-scale exercise in lieu of one (1) tabletop exercise specified in subsection (1)(a) of this section.

(3) Within thirty (30) days prior to conducting a tabletop exercise specified in subsection (1)(a) of this section, a local director shall submit to an area manager in final draft form the following:

- (a) A completed KyEM Form 201, "Exercise Narrative Scenario" or computer-generated equivalent; and
- (b) A completed list of written problem statements, directed messages, or prepared discussion questions established pursuant to Section 2(2) of this administrative regulation.

(4) Within thirty (30) calendar days following completion of a tabletop exercise, a local director shall submit to an area manager a written exercise report consisting of the following:

- (a) A completed KyEM Form 201, "Exercise Narrative Scenario" or computer-generated equivalent;
- (b) A copy of the written exercise discussion problem statements, directed messages, and prepared questions established pursuant to Section 2(2) of this administrative regulation;
- (c) A completed KyEM Form 205, "Exercise Participant Roster" or computer-generated equivalent; and

- (d) A completed KyEM Form 206, "Exercise Critique" or computer-generated equivalent.

(5) Within thirty (30) calendar days prior to conducting a scheduled functional or full scale exercise, a local director shall submit the following to an area manager, in final draft form:

- (a) A completed KyEM Form 201, "Exercise Narrative Scenario" or computer-generated equivalent; and
- (b) A completed KyEM Form 202, "Exercise Objectives" or computer-generated equivalent.

(6) Within thirty (30) calendar days following completion of a functional or full scale exercise, a local director shall submit to a county judge/executive, a mayor, and an area manager a written local exercise report consisting of the following completed forms:

- (a) KyEM Form 201, "Exercise Narrative Scenario" or computer-generated equivalent;
- (b) KyEM Form 202, "Exercise Objectives" or computer-generated equivalent;
- (c) KyEM Form 203, "Exercise Evaluation Criteria" or computer-generated equivalent;
- (d) KyEM Form 204, "Master Sequence of Events List" or computer-generated equivalent;
- (e) KyEM Form 205, "Exercise Participant Roster" or computer-generated equivalent;
- (f) KyEM Form 206, "Exercise Critique" or computer-generated equivalent; and
- (g) KyEM Form 207, "Exercise After Action Report" or computer-generated equivalent.

Section 6. Exercise Substitution. (1) In lieu of conducting and documenting a scheduled tabletop, functional, or full-scale exercise in a federal fiscal year, a local director may request to substitute the actual response of a local disaster and emergency services organization to a major emergency situation or disaster occurrence in a local jurisdiction during the federal fiscal year of the actual response.

(2) A local director requesting to substitute an actual response to a major emergency situation or disaster occurrence, in lieu of conducting and documenting a scheduled tabletop, functional, or full-scale exercise shall, within sixty (60) calendar days following termination of associated emergency response operations, submit to an area manager, for transmittal to the director, an after-action report in memorandum form, containing the following information:

- (a) A brief description of the type or kind of emergency situation or disaster that occurred in the local jurisdiction;
- (b) Date of the emergency situation or disaster occurrence;
- (c) The geographic area adversely affected by the emergency situation or disaster;
- (d) The estimated population in the adversely affected geographic area;
- (e) The major problems experienced and the actions taken by local government to mitigate or respond to the major problems;
- (f) Significant assets utilized to mitigate or respond to the emergency situation or disaster; and
- (g) Critique comments describing the general effectiveness of the mitigation or response efforts of local government forces, including the adequacy of the local plan and any significant deficiencies noted.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Exercise Narrative Scenario, October 2000";
- (b) "Exercise Objectives , October 2000";
- (c) "Exercise Evaluation Criteria , October 2000";
- (d) "Master Sequence Of Events List, October 2000";
- (e) "Exercise Participant Roster, October 2000";
- (f) "Exercise Critique, October 2000"; and
- (g) "Exercise After Action Report, October 2000".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Director, Division of Emergency Management, State Emergency Operations

Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601,
Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1982; Am. 2842; 3076; eff. 5-14-2001.)

106 KAR 1:230. Local emergency management agency ordinance requirement.

RELATES TO: KRS 39B.010, 39B.990

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.010(1) requires each city, county, urban-county, or charter county government in the Commonwealth to create a local emergency management agency. This administrative regulation establishes the requirements to be met by a governing body of city, county, urban-county, or charter county government to develop and pass a local emergency management agency ordinance.

Section 1. Ordinance Provisions. (1) The governing body of a city, county, urban-county, or charter county government shall pass a local ordinance pertaining to local emergency management agency creation, as established in KRS 39B.010.

(2) A local ordinance passed pursuant to subsection (1) of this section shall:

(a) Include the term "emergency management" in the title of the local ordinance; and

(b) Include provisions which specify:

1. The official name of a local emergency management agency created in the local ordinance;
2. The functional and operational organization of a local emergency management agency consistent with KRS 39B.010;
3. The establishment and use of a local emergency management agency budget account consistent with KRS 39B.010(3);
4. The powers and responsibilities of a local emergency management agency;
5. The powers, authorities, rights, and duties of a local emergency management agency director appointed pursuant to KRS 39B.020, including all the powers, duties, rights, and authorities established in KRS 39B.030; and
6. Ordinance enforcement, including the establishment of penalties for violation of the local ordinance.

Section 2. Documentation Requirements. A full copy of a local emergency management agency ordinance, and any amendments, agreements, compacts, or other documents associated with the joint creation of a local emergency management agency pursuant to KRS 39B.010(2)(b), shall be submitted by a local director to an area manager for transmittal to the director within thirty (30) calendar days following final passage or adoption by a local governing body. (27 Ky.R. 1984; Am. 3078; eff. 5-14-2001.)

106 KAR 1:240. Local emergency management director appointment process.

RELATES TO: KRS 39B.020

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)

NECESSITY, FUNCTION AND CONFORMITY: KRS 39B.020 requires a county judge/executive of a county, a mayor of a city or urban-county government, or a chief executive officer of other local government entity to appoint a local emergency management director. This administrative regulation establishes the process to be followed by a county judge/executive, mayor, or chief executive officer of other local government entity to appoint or reappoint a local emergency management director.

Section 1. Definitions. (1) "Candidate" means the individual proposed to be appointed pursuant to KRS 39B.020.

(2) "Local appointing authority" means a county judge/executive, mayor, or chief executive officer of other local government entity.

Section 2. Appointment Process. (1) To appoint a local emergency management director, a local appointing authority shall submit:

(a) A completed Personnel Cabinet Form P-2, "Application for Employment";

(b) A completed KyEM Form 15, "Appointment of Local Emergency Management Director"; and

(c) A written authorization that meets the requirements in KRS 39B.020(3)(d)(1) or (2) or (3) or (4).

(2) If a fiscal court, city commission, or other governing body of a local jurisdiction has adopted administrative procedures that formally establish a personnel merit system, a local appointing authority shall submit a local employment application in lieu of the document specified in subsection (1)(a) of this section. The local employment application shall not be submitted for review by the Personnel Cabinet.

(3) A local appointing authority shall submit the documents specified in subsections (1) and (2) of this section to an appropriate area manager for transmittal to the director within the time period specified in KRS 39B.020(1).

Section 3. (1) Approval Process. Within thirty (30) days of receiving the material specified in Section 2 of this administrative regulation, the director shall:

(a) Request a Personnel Cabinet evaluation of a candidate's qualifications for the position of local director; and

(b) Approve jurisdictional eligibility to apply for supplementary state funds to support the operation and activities of a local emergency management agency.

(2) Funding shall be suspended if the Personnel Cabinet determines a candidate does not meet the qualifications required for the position of local director.

Section 4. Reappointment Process. To reappoint a local director pursuant to KRS 39B.020(3), a local appointing authority shall execute the actions established in Section 2(1)(b) and (c) of this administrative regulation.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Employment, June 16, 1999"; and

(b) "Appointment of Local Emergency Management Director, September 2000".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1985; Am. 2844; eff. 3078; eff. 5-14-2001.)

106 KAR 1:250. Workers' Compensation Enrollment Form.

RELATES TO: KRS 39C.110(4), 39F.170(6)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39C.110(4) and 39F.170(6) require workers' compensation coverage for local personnel. This administrative regulation establishes the procedure to be followed by local personnel to enroll for workers' compensation coverage paid by the division.

Section 1. Definition. "Local personnel" means the personnel specified in KRS 39C.110 and 39F.170.

Section 2. Enrollment Procedure. To enroll for workers' compensation coverage, local personnel shall submit a completed KyEM Form 50 to an area manager.

Section 3. Incorporation by Reference. (1) "Workers' Compensation Enrollment Form, September 2000" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Director, Division of Emergency Management, State Emergency Operations Center, 100 Minuteman Parkway, Boone National Guard Center, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 1987; Am. 3079; eff. 5-14-2001.)

106 KAR 1:260. Supplementary state fund expense reimbursement eligibility list.

RELATES TO: KRS 39C.050(9)(a), (b)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), (9), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39C.050(9)(a) requires the division to promulgate an administrative regulation specifying officials who may be reimbursed for expenses associated with attendance at emergency management training. This administrative regulation establishes the list of officials eligible to receive expense reimbursement through the supplementary state fund established in KRS 39C.010 and 39C.020.

Section 1. Definitions. "Emergency management training" means a seminar, workshop, course, class, or instruction conducted, sponsored, specified, offered through, or approved by the division.

Section 2. Eligible Officials. In addition to those officials specified in KRS 39C.050(8), the following officials, or their designee, may have the expenses specified in KRS 39C.050(9)(b) reimbursed through the supplementary state fund for attendance at emergency management training, if funds are available:

- (1) A local emergency management agency secretary;
- (2) A chief of a local fire department;
- (3) A chief of a local law enforcement agency;
- (4) A director of a local ambulance service;
- (5) A director of a local emergency medical services;
- (6) A local public works director;
- (7) A local emergency management agency operations officer;
- (8) A local emergency management agency communications officer;
- (9) A local emergency management agency public information officer;
- (10) A local emergency management agency hazard mitigation officer;
- (11) A chief of a local rescue squad;
- (12) A local search and rescue coordinator;
- (13) A local twenty-four (24) hour warning point supervisor;
- (14) A local public safety officer; and
- (15) A chairman of a local emergency planning committee. (27 Ky.R. 1988; Am. 3079; eff. 5-14-2001.)

106 KAR 1:290. Specialized rescue squad alternative affiliation agreement process.

RELATES TO: KRS 39F.030

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39F.020(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.030(1) authorizes a rescue squad which proposes to provide regional or statewide specialized rescue services to apply to the director for an alternative affiliation agreement and alternative vehicle and equipment requirements. This administrative regulation establishes the process for submitting a request to the director.

Section 1. Definitions. "Chief rescue officer" means the chief executive officer of a rescue squad.

Section 2. Alternative Request. (1) A chief rescue officer shall submit a written request for alternative affiliation and alternative vehicle and equipment requirements, including all supporting documentation, to a division area manager; and

(2) A request shall include a geographical service area as either statewide or regional. Regional service areas shall list each county in a region. (27 Ky.R. 1991; Am. 2846; eff. 5-14-2001.)

106 KAR 1:340. Rescue Aid Fund allocation.

RELATES TO: KRS 39F.020(5), 39F.100(2), 39F.110

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39F.020(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.020(5) requires the division to administer funds to local rescue squads. This administrative regulation establishes the allocation of rescue aid funds.

Section 1. Definitions. "Fund" means the rescue aid fund established in KRS 39F.100(2).

Section 2. Fund Allocation. The fund shall be allocated as follows:

(1) Fifteen (15) percent of the total fund appropriated in a state fiscal year shall be allocated for administration and training;

(2) Fifty (50) percent of the total fund appropriated in a state fiscal year shall be allocated for minimum equipment established in 106 KAR 1:350; and

(3) Thirty-five (35) percent of the total fund appropriated in a state fiscal year shall be allocated for optional equipment.

Section 3. A rescue squad shall not be allocated funds for more than one (1) rescue aid application in a state fiscal year. (27 Ky.R. 1996; Am. 2847; eff. 5-14-2001.)

106 KAR 1:350. Rescue squad minimum equipment.

RELATES TO: KRS 39F.040(5), 39F.050(3)(d), 39F.070(3)(d), 39F.120(12)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39F.120(12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.120(12) requires a rescue squad to have the minimum equipment necessary to perform a mission. KRS 39F.120(12) requires the division to promulgate an administrative regulation establishing minimum equipment for a rescue squad. This administrative regulation establishes the minimum equipment requirements for a rescue squad.

Section 1. Definitions. (1) "Fund" means the rescue aid fund established in KRS 39F.100(2).

(2) "New or replacement equipment" means equipment that a rescue squad is not required to have prior to becoming eligible to participate in the fund.

(3) "Replacement only equipment" means equipment that a rescue squad shall have in its possession before becoming eligible to participate in the fund.

Section 2. The minimum new or replacement equipment for a general rescue squad shall be:

- (1) Twelve (12) pairs of gloves;
- (2) Twelve (12) pairs of safety goggles;
- (3) Twelve (12) squad coats;
- (4) Twelve (12) helmets;
- (5) Twelve (12) pairs of boots with protective toe;
- (6) Two (2) first aid kits, twenty-four (24) unit industrial type or equivalent;
- (7) Two (2) full backboards;
- (8) Two (2) half backboards;
- (9) One (1) basket litter;
- (10) Four (4) sections of fifteen (15) foot by one (1) inch tubular nylon webbing;
- (11) One (1) splint kit, with half-arm, half-leg, full-arm, full leg;
- (12) One (1) twelve (12) foot tow chain;
- (13) Two (2) hacksaw frames;
- (14) Twelve (12) hacksaw blades;
- (15) Two (2) pairs of pliers, minimum of eight (8) inch, slip-joint;
- (16) One (1) pair of locking pliers;
- (17) Two (2) pairs wire cutters with insulated grips;
- (18) One (1) center punch;
- (19) Four (4) screwdrivers, flat blade, assorted sizes;
- (20) Four (4) Phillips screwdrivers, assorted sizes;
- (21) One (1) seat belt cutter;
- (22) One (1) pair of minimum of eight (8) inch tin snips;
- (23) One (1) claw hammer;
- (24) Two (2) crescent wrenches;
- (25) Two (2) twenty-four (24) inch pipe wrenches;
- (26) Two (2) axes, single butt, four (4) pound head;
- (27) One (1) mattock;
- (28) One (1) eighteen (18) inch bow saw;
- (29) One (1) pair of thirty-six (36) inch bolt cutters;

- (30) One (1) eight (8) pound sledge hammer;
- (31) One (1) minimum of fourteen (14) inch chain saw;
- (32) One (1) rounded point shovel, (short handle);
- (33) One (1) rounded point shovel, (long handle);
- (34) Two (2) one half (1/2) inch by twelve (12) inch gooseneck wrecking bars;
- (35) Two (2) one (1) inch by thirty (30) inch gooseneck wrecking bars;
- (36) One (1) six (6) foot pry bar;
- (37) One (1) minimum of one and one-half (1 1/2) ton come-along;
- (38) One (1) air chisel with extra tank;
- (39) One (1) minimum of ten (10) ton porta-power;
- (40) One (1) minimum of five (5) ton hydraulic jack;
- (41) One (1) thirty-six (36) inch, hooligan tool;
- (42) Two (2) rescue pulleys;
- (43) Four (4) minimum of fifty (50) foot sections of nylon rope;
- (44) Two (2) minimum of 150 foot by one-half (1/2) inch static kernmantle rope;
- (45) One (1) minimum of eight (8) foot straight ladder;
- (46) Two (2) fire retardant blankets or salvage covers;
- (47) Two (2) five (5) gallon gas cans, safety type;
- (48) Two (2) minimum of ten (10) pound fire extinguishers, ABC rated;
- (49) One (1) minimum of two-point-five (2.5) KVA portable generator;
- (50) One (1) minimum of fifty (50) foot section of No. 10 electrical extension cord, GFI equipped;
- (51) One (1) minimum of 100 foot section of No. 10 electrical extension cord, GFI equipped;
- (52) One (1) minimum of 100 foot section of No. 12 electrical extension cord, GFI equipped;
- (53) Four (4) portable (hand-held) radios;
- (54) One (1) mobile radio with antenna per vehicle;
- (55) One (1) encoder;
- (56) One (1) base station radio with antenna; and
- (57) One (1) base station radio tower.
- (58) The requirement for one (1) encoder in subsection (55) of this section, one (1) base station radio with antenna in subsection (56) of this section, and one (1) base station tower in subsection (57) of this section is not required minimum new or replacement equipment if the rescue squad is dispatched by another agency, city or county public safety communications center.

Section 3. The minimum equipment for a rescue squad specializing in water rescue and recovery operations not utilizing divers shall be:

- (1) New or replacement equipment:
 - (a) One (1) john boat, in excess of nineteen (19) feet;
 - (b) One (1) minimum of twenty-five (25) horse power boat motor;
 - (c) Two (2) marine type gas tanks;
 - (d) One (1) boat anchor;
 - (e) One (1) electronic depth finder;
 - (f) Four (4) Type III personal flotation devices approved by the United States Coast Guard;
 - (g) Two (2) electric lanterns;
 - (h) Four (4) buoy markers;

- (i) Two (2) spot lights;
- (j) One (1) tool box;
- (k) One (1) flat blade screwdriver;
- (l) One (1) Phillips head screwdriver;
- (m) One (1) pair of pliers, minimum of eight (8) inch slip joint;
- (n) One (1) pair of locking pliers;
- (o) One (1) pair of eighteen (18) inch bolt cutters;
- (p) One (1) bow saw;
- (q) Four (4) pairs of rubberized gloves;
- (r) Two (2) grappling irons or drag hooks;
- (s) One (1) body bag;
- (t) Two (2) pike poles or shepherd's hooks;
- (u) Two (2) sections of minimum of 250 feet by one-half (1/2) inch nylon or polypropylene rope;
- (v) Two (2) water throw bags with a minimum of fifty (50) feet of nylon rope for each bag;
- (w) Two (2) minimum of 250 foot line bags;
- (x) Two (2) rescue pulleys;
- (y) One (1) full backboard;
- (z) One (1) first aid kit, twenty-four (24) unit industrial-type or equivalent;
- (aa) One (1) basket litter;
- (bb) Two (2) signal lights; and
- (cc) Two (2) flash lights.
- (2) Replacement equipment only:
 - (a) One (1) vehicle dedicated to water rescue and recovery;
 - (b) One (1) john boat, sixteen (16) foot or larger;
 - (c) One (1) boat motor with a minimum capacity of fifteen (15) horse power;
 - (d) One (1) boat trailer; and
 - (e) Two (2) boat oars.

Section 4. The minimum equipment for a rescue squad specializing in water rescue and recovery operations utilizing divers shall be:

- (1) New or replacement equipment:
 - (a) One (1) mask per certified diver;
 - (b) One (1) pressure gauge per certified diver;
 - (c) One (1) knife per certified diver;
 - (d) One (1) wet suit per certified diver;
 - (e) One (1) snorkel per certified diver;
 - (f) One (1) buoyancy compensator per certified diver;
 - (g) One (1) weight belt per certified diver;
 - (h) One (1) depth gauge per certified diver;
 - (i) One (1) waterproof flashlight per certified diver;
 - (j) One (1) pair of fins per certified diver;
 - (k) One (1) air tank per certified diver; and
 - (l) One (1) regulator per certified diver.
- (2) Replacement equipment only:

(a) The water rescue and recovery equipment established in Section 3 of this administrative regulation;

- (b) Two (2) extra tanks per certified diver;
- (c) One (1) dry suit per certified diver;
- (d) Three (3) dive flags; and
- (e) One (1) underwater radio communications system.

Section 5. The minimum equipment for a rescue squad specializing in cave rescue shall be:

(1) New or replacement equipment:

- (a) Twenty-four (24) minimum of twenty (20) feet by one (1) inch tubular nylon webbing;
- (b) Six (6) pairs of rappelling gloves;
- (c) Six (6) rappelling, climbing seat, or full-body harnesses;
- (d) Two (2) minimum of 300 feet by one-half (1/2) inch static kernmantle rope;
- (e) Two (2) minimum of 200 feet by seven-sixteenths (7/16) inch static kernmantle rope;
- (f) Two (2) minimum of 300 feet by seven-sixteenths (7/16) inch static kernmantle rope;
- (g) Minimum of 200 feet of accessory cord;
- (h) Eight (8) rope bags;
- (i) Six (6) rescue pulleys;
- (j) Six (6) brake bar rappel racks, six (6) bar type;
- (k) Twenty (20) large "D" locking carabiners, steel;
- (l) Twenty (20) large "D" offset locking carabiners, steel;
- (m) Ten (1) extra large "D" offset locking carabiners, steel;
- (n) Eighteen (18) mechanical ascenders;
- (o) Four (4) figure-eight descenders;
- (p) One (1) SKED stretcher or equivalent;
- (q) Two (2) miles of field phone wire;
- (r) Three (3) field phones for underground communications;
- (s) Two (2) waterproofed first aid kits, twenty-four (24) unit industrial type or equivalent;
- (t) One (1) splint kit with half-arm, half-leg, full-arm, full-leg;
- (u) One (1) set assorted sizes of rigid or semirigid cervical collars;
- (v) One (1) Kendrick Extrication Device or Oregon spine splint or equivalent; and
- (w) Three (3) wool blankets, or one (1) synthetic sleeping bag and vapor barrier.

(2) Replacement equipment only:

- (a) One (1) vehicle dedicated to cave rescue;
- (b) One (1) basket litter;
- (c) Six (6) rappelling helmets, UIAA-approved, with helmet head lamps;
- (d) Six (6) sturdy caving packs;
- (e) Twelve (12) rugged waterproof flashlights with extra batteries and bulbs;
- (f) Three (3) field phones for underground communications;
- (g) 4,000 feet of field phone wire;
- (h) One (1) 200 foot length of seven-sixteenths (7/16) inch static kernmantle rope;
- (i) Four (4) large "D" locking carabiners, steel;
- (j) One (1) figure-eight descender with ears; and
- (k) Twelve (12) twenty (20) feet by one (1) inch tubular nylon webbing.

Section 6. The minimum equipment for a rescue squad specializing in high angle rescue shall be:

- (1) New or replacement equipment:
 - (a) Four (4) rappelling helmets UIAA approved;
 - (b) Twelve (12) minimum of fifteen (15) feet by one (1) inch tubular nylon webbing;
 - (c) Four (4) pairs of rappelling gloves;
 - (d) Four (4) helmet head lamps;
 - (e) Four (4) rappelling, climbing seat, or full-body harnesses;
 - (f) Four (4) rugged waterproof flashlights with extra batteries and bulbs;
 - (g) Two (2) minimum of 300 feet by one-half (1/2) inch static kernmantle rope;
 - (h) Two (2) minimum of 200 feet by seven-sixteenths (7/16) inch static kernmantle rope;
 - (i) Two (2) minimum of 300 feet by seven-sixteenths (7/16) inch static kernmantle rope;
 - (j) Six (6) rope bags;
 - (k) Four (4) rescue pulleys;
 - (l) Two (2) brake bar rappel racks, six (6) bar type;
 - (m) Ten (10) large "D" locking carabiners, steel;
 - (n) Ten (10) large "D" offset locking carabiners, steel;
 - (o) Twelve (12) mechanical ascenders;
 - (p) Four (4) figure-eight descenders with ears;
 - (q) One (1) SKED stretcher or equivalent;
 - (r) Two (2) waterproofed first aid kits, twenty-four (24) unit industrial type or equivalent;
 - (s) One (1) splint kit with half-arm, half-leg, full-arm, full-leg;
 - (t) One (1) set assorted sizes of rigid or semirigid cervical collars;
 - (u) One (1) Kendrick Extrication Device or Oregon spine splint or equivalent; and
 - (v) Three (3) wool blankets or one (1) synthetic sleeping bag with vapor barrier.
- (2) Replacement equipment only:
 - (a) One (1) vehicle dedicated to high angle rescue;
 - (b) One (1) basket litter;
 - (c) One (1) 200 foot length of seven sixteenths (7/16) inch static kernmantle rope;
 - (d) Four (4) large "D" locking carabiners, steel;
 - (e) One (1) figure-eight descender with ears; and
 - (f) Four (4) fifteen (15) feet by one (1) inch tubular nylon webbing.

Section 7. The minimum equipment for each member of a search dog rescue squad specializing in a search for lost, trapped or missing persons shall be:

- (1) Replacement equipment:
 - (a) One (1) rescue vest;
 - (b) One (1) pair of leather gloves;
 - (c) One (1) pair of boots, lug soles;
 - (d) One (1) fanny pack or equivalent;
 - (e) One (1) rescue helmet with headlamp;
 - (f) Three (3) one (1) quart canteens with belt;
 - (g) Three (3) flashlights with extra batteries;
 - (h) One (1) compass, two (2) degree increments.
- (2) New or replacement equipment only: none.

Section 8. The minimum equipment for search and rescue squad specializing in a search for lost, trapped or missing persons shall be:

- (1) New or replacement equipment:
 - (a) One (1) vehicle dedicated to search and rescue;
 - (b) One (1) minimum of two and five-tenths (2.5) KVA portable generator with lights;
 - (c) One (1) mobile radio with antenna;
 - (d) One (1) basket litter;
 - (e) Laminated topographical maps of response area, 1:24000;
 - (f) Twelve (12) two (2) way portable (hand-held) radios;
 - (g) One (1) first aid kit, twenty-four (24) unit industrial type or equivalent; and
 - (h) Twelve (12) rescue helmets with headlamps.
- (2) Replacement equipment only: none.

Section 9. When a rescue squad engages in more than one (1) specialized rescue squad activity or general rescue squad activity, the equipment listed as new or replacement equipment or replacement only equipment for rescue squads specializing in water rescue and recovery, water rescue and recovery utilizing divers, high angle rescue, cave rescue, or search for lost, trapped, or missing persons, shall not have to be duplicated in order to meet the requirements of this administrative regulation. (27 Ky.R. 1997; Am. 2848; eff. 5-14-2001.)

106 KAR 1:370. Rescue aid fund expenditure documentation.

RELATES TO: KRS 39F.140(1)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39F.020(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.140(1) requires a rescue squad to document expenditure of rescue aid funds. This administrative regulation establishes a procedure for documenting expenditure of rescue aid funds by a rescue squad.

Section 1. To document expenditure of rescue aid funds, a rescue squad shall submit the documentation specified in KRS 39F.140(1) to a local director.

Section 2. A local director, within ten (10) working days of receipt of the materials specified in Section 1 of this administrative regulation, shall submit to an area manager:

(1) A completed KyEM Form 160, "Local Emergency Management Assistance Claim Form" incorporated by reference in 106 KAR 1:160; and

(2) The documentation received from a rescue squad pursuant to Section 1 of this administrative regulation. (27 Ky.R. 2001; eff. 5-14-2001.)

106 KAR 1:390. Search and rescue training requirements.

RELATES TO: KRS 39F.040(3), 39F.050(3)(c), 39F.070(3)(c), 39F.120(8), 39F.200, 39F.210

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39F.200, 39F.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.200 and 39F.210 authorize the division to establish minimum training requirements for persons engaged in search and rescue activities. This administrative regulation establishes minimum training requirements for a general rescue squad, or a specialized rescue squad, and a local search and rescue coordinator.

Section 1. Definitions. "Successfully complete" means to attend or participate in search and rescue training and acquire and submit to a local director a copy of an instructor-provided training completion certificate or record.

Section 2. Minimum training requirements for a local search and rescue coordinator, or a search dog handler, shall be to successfully complete:

- (1) A twenty (20) hour division offered or approved search and rescue course or equivalent;
- (2) A twenty (20) hour division offered or approved search management course; and
- (3) An incident command or incident management system (ICS or IMS) training course approved by the division of at least eight (8) hours covering the eight (8) component elements of an incident command system or incident management system, to include practical application, and to include a search and rescue module.

Section 3. Minimum training requirements for members of a rescue squad specializing in cave rescue shall be to successfully complete the following:

- (1) The National Cave Rescue Commission (NCRC) offered and approved Cave Rescue Orientation Course or its equivalent approved by the division; and
- (2) A National Cave Rescue Commission offered and approved Cave Operations and Management Seminar or its equivalent approved by the division for squad members who manage response to cave rescues.

Section 4. Minimum training requirements for members of a search and rescue squad specializing in search for lost, trapped or missing persons shall be to successfully complete the requirements established in Section 2 of this administrative regulation.

Section 5. Minimum training requirements for members of a rescue squad specializing in dive rescue and recovery shall be:

- (1) Certification in open water by one (1) of the following nationally recognized organizations or equivalents:
 - (a) International Diving Educators Association (IDEA);
 - (b) Multinational Diving Educators Association (MDEA);
 - (c) National Association of Underwater Instructors (NAUI);
 - (d) National Association of SCUBA Diving Schools (NASDS);
 - (e) National Association of SCUBA Instructors (NASI);
 - (f) Professional Association of Diving Instructors (PADI);
 - (g) Professional Diving Instructors Corporation (PDIC);

- (h) SCUBA Schools International (SSI);
- (i) United States Navy (USN);
- (j) YMCA National SCUBA Program (YMCA); or
- (k) Dive Rescue International.

(2) Annually, a minimum of ten (10) hours underwater training in rescue diving techniques developed and administered by the individual organization specializing in water rescue utilizing divers.

Section 6. A rescue squad specializing in urban search and rescue shall meet standards developed by the Federal Emergency Management Agency, Urban Search and Rescue Program, or equivalent, approved by the division.

Section 7. The minimum training, testing, and certification requirements for the search dog evaluators, search dogs and handlers shall be:

- (1) The handler shall be at least eighteen (18) years of age.
- (2) Annual testing of search dogs shall include but not be limited to the following:
 - (a) The dog shall demonstrate its ability to overcome obstacles;
 - (b) The dog shall not be trained in attack methods;
 - (c) The dog shall not show aggression to other dogs or individuals;
 - (d) The dog shall obey verbal or nonverbal commands by the handler;
 - (e) The dog shall give a recognizable found-victim indication or alert;
 - (f) The dog shall demonstrate its obedience by performing a long-sit or down;
 - (g) The dog shall be left in a sitting position and at the direction of the evaluator; the handler shall down his or her dog with a hand or voice signal;
 - (h) During an open terrain search the handler and dog shall be given a minimum of one (1) hour to find a hidden subject; and
 - (i) During a hasty search, the dog shall locate a victim within twenty (20) feet of the trail.
- (3) Testing for tracking or trailing bloodhounds shall consist of at least the following: three (3) scent trails shall be established, one (1) scent trail four (4) hours old, one (1) scent trail twelve (12) hours old, and one (1) scent trail twenty-four (24) hours old, identified by the evaluators at the time of the test.
- (4) The following are minimum testing requirements for search dog handlers:
 - (a) The handler and dog shall be compatible;
 - (b) The handler shall be able to recognize when his or her dog is alerting on human scent;
 - (c) The handler shall inform the evaluators of the characteristics of the dog's alert; and
 - (d) The handler shall demonstrate his or her ability to work and control their dog.
- (5) Testing of search dogs shall be conducted annually between August 1 and November 30.
- (6) The organization, association, or handler shall submit a letter requesting to be tested to the Division of Emergency Management that contains the following:
 - (a) The full name of the organization, association or handler requesting to be tested;
 - (b) The address for correspondence with the organization, association or handler requesting to be tested;
 - (c) The name of the individual who shall serve as the point of contact for the organization, association or handler requesting to be tested.
- (7) If it is determined during the test by the search dog evaluator a dog fails to alert on an obvious find or fails to meet the requirements as identified in subsections (2) and (3) of this

section, the handler and dog shall be given one (1) opportunity to retest their dog during the same test date. In the event of a retest, a different search dog evaluator shall be utilized for the retest. Search dog evaluators shall not evaluate any dog or handler from their organization, association or group. If the dog or handler fails the retest, they may retest at the next annual testing date.

(8) Evaluators utilized for the conduct of all search dog tests shall be appointed by the state search and rescue coordinator from a list of individuals supplied by the search dog associations, organizations, or groups headquartered in Kentucky or individual search dog handlers residing in Kentucky. A letter of recommendation for search dog evaluators from search dog organizations, associations, or groups, or individual search and rescue dog handlers for search dog evaluators shall be submitted annually to the search and rescue coordinator no later than 30 July. A search dog test evaluator shall have at least a minimum of five (5) years experience and have met all training requirements as identified in Section 2 of this administrative regulation.

(9) An individual, agency, organization, or association, public or private who provides or who advertises to provide search dogs for any search and rescue mission shall comply with Section 2 of this administrative regulation and subsections (2) and (3) of this section. An individual, agency, organization, or association, public or private, who has not met the requirements of Section 2 of this administrative regulation and subsections (2) and (3) of this section shall be considered "apprentice". The decision to utilize any "apprentice" dog handler or dog on a search mission shall be at the discretion of the county search and rescue coordinator. If there is a state-certified dog handler on-scene, the county search and rescue coordinator shall consult with the state-certified dog handler prior to making any decision to utilize an apprentice dog or handler. If there is more than one (1) state-certified dog handler on-scene, the county search and rescue coordinator only needs to consult with one (1) certified dog handler.

(10) The certification length for a search dog handler who successfully meets all requirements shall be valid for two (2) years. The certification length for a search dog that meets all requirements shall be valid for two (2) years.

Section 8. Minimum training requirements for members of a rescue squad specializing in high angle rescue shall be to successfully complete the following:

(1) A basic rope rescue course as taught by the Kentucky Community Technical and College System, State Fire Rescue Training Program or equivalent as approved by the division;

(2) An intermediate rope rescue course as taught by the Kentucky Community Technical and College System, State Fire Rescue Training Program or equivalent as approved by the division, for those members responsible to perform extrication of both conscious and incapacitated patients, to establish and operate simple mechanical advantage systems, to control and direct the lowering of a packaged patient, to use ascenders to maintain mobility and control on rope and to perform as a litter attendant and maintain mobility and control;

(3) An advanced rope rescue course as taught by the Kentucky Community Technical and College System, State Fire Rescue Training Program or equivalent as approved by the division, for those members responsible to establish complex mechanical advantage systems, to perform rescue operations in limited light conditions, to operate rappel or lowering systems while using self-contained breathing apparatus or supplied air systems such as may be used in hazardous atmospheres, to establish and operate highline systems and to establish and operate tripod and high directional systems.

Section 9. The role and training of rescue squad support personnel shall be the responsibility of the individual rescue squad and shall be identified in a locally-written guideline or procedure.

Section 10. Level of medical training for each rescue squad member shall:

- (1) Be the responsibility of each rescue squad; and
- (2) Be identified in a locally-written guideline or procedure. (27 Ky.R. 2003; Am. 2851; eff. 5-14-2001.)

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

Web Instructions: Address: www.lrc.ky.gov .Choose Kentucky Law on the left navigation panel. Next choose KAR, KRS, etc. You will then be able to search by keyword or title. The first results are the number and head note for the statute. Click on the head note to get the full text.

Wireless Enhanced Emergency 911 Systems

65.7621 Definitions for KRS 65.7621 to 65.7643

65.7623 Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky

65.7625 Appointment and duties of state administration of commercial mobile radio service emergency telecommunications.

65.7627 Commercial mobile radio service emergency telecommunications fund.

65.7629 Powers and duties of board.

65.7631 Appointment of money in CMRS fund.

65.7633 Promulgation of administrative regulations by board.

65.7635 Duty of commercial mobile radio service providers to act as collection agency for fund – Procedure for collection of service and prepaid service charges.

65.7637 Limitations of liability for CMRS providers and service suppliers.

65.7639 Information to be given to board by CMRS providers – Confidentiality of information.

65.7640 Mobile telecommunications services – Adoption of federal provisions – Notification of service provider about errors – Correction and refund – Exhaustion of remedies.

65.7641 Illegal use of wireless emergency telephone service – Penalties.

65.7643 Construction of KRS 65.7621 to 65.7643 with respect to Communications Act of 1934.

“Answering Point”

65.750 Definitions for KRS 65.750 to 65.760

65.760 Establishment of 911 emergency telephone service by city, county, or urban-county government – funding.

65.7621 Definitions for KRS 65.7621 to 65.7643.

65.7623 Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky.

189.580 Duty in case of accident – Movement of vehicle from roadway after accident – Removal of vehicles obstructing roadway – Exemptions – Costs of removal recoverable.

311A.025 Levels of certification or licensure – Administrative regulations – Emergency services medical director.

438.280 Definitions for KRS 438.280 to 438.290.

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

432.284 New contracts for personal emergency response system services – Components – Existing contracts.

508.075 Terroristic threatening in the first degree.

508.078 Terroristic threatening in the second degree.

“Dispatch Center”

11.5163 Statewide public safety interoperability plan – Annual report by chief information officer – Duties of Kentucky Wireless Interoperability Executive Committee – Membership – Public Safety Working Group.

39A.050 Responsibility of division for coordinating disaster and emergency services – Powers, authorities, and duties.

39F.180 Reports of search and rescue missions – Immediate search for lost, missing, or overdue person permitted.

199.015 “Code Adam” protocol.

311.667 Requirements for person or entity acquiring an automated external defibrillator.

311A.025 Levels of certification or licensure – Administrative regulations – Emergency services medical director.

Assaults on Service Animals

525.200 Assault on a service animal in the first degree.

525.205 Assault on a service animal in the second degree.

525.210 Duty status of service animal not a factor in application of KRS 525.200 and 525.205.

525.215 Defendant’s liability for damages upon conviction of assault on a service animal.

525.220 Bars and defenses to conviction of assault on a service animal.

525.210 Duty status of service animal not a factor in application of KRS 525.200 and 525.205.

525.215 Defendant’s liability for damages upon conviction of assault on a service animal.

525.220 Bars and defenses to conviction of assault on a service animal.

“Emergency Management”

11.5163 Statewide public safety interoperability plan – Annual report by chief information officer – Duties of Kentucky Wireless interoperability Executive Committee – Membership – Public Safety Working Group.

11.520 Statewide planning and mapping system for public buildings.

65.570 Definitions for KRS 65.750 to 65.760.

65.760 Establishment of 911 emergency telephone service by city, county, or urban county government – Funding.

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

65.7623 Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky.

189.580 Duty in case of accident – Movement of vehicle from roadway after accident – Removal of vehicles obstructing roadway – Exemptions – Costs of removal recoverable.

311A.025 Levels of certification or licensure – Administrative regulations – Emergency services medical director.

438.280 Definitions for KRS 438.280 to 438.290

438.284 New contracts for personal emergency response system services – Components – Existing contracts.

311.667 Requirements for person or entity acquiring an automated external defibrillator.

16.175 Abduction of children – Kentucky Amber alert system – Department to operate in cooperation with other agencies.

17.167 Felony-offender record check for employees and members of fire departments, ambulance services, and rescue squads.

36.010 Department of Military Affairs attached to the office of Governor – Functions – Organizations.

36.040 Duties of the adjutant general – Authority to enter into agreements with federal agencies.

36.255 Kentucky Community Crisis Response Board – Members – Meetings.

75.470 KRS 75.400 to 75.460 not to be construed to conflict with authority of other named agencies.

95A.020 Commission on Fire Protection Personnel Standards and Education.

147A.029 Disbursement of funds for Local Match Participation Program.

186.162 Special license plates for members or supporters of certain groups and organizations – Initial and renew fees – Combination of special license plate with personalized license plate – Special license plates for motorcycles.

186.164 Collection and distribution of special license plate fees – Design, printing, and replacement – Application process – Voluntary contribution for designated group – Administrative regulations – Audit of special license plate funds.

186.166 Perpetual production of certain special license plates – Kentucky slogan not to be included on Purple Heart license plates.

186.910 Definitions for KRS 189.920 to 189.950.

189.920 Flashing lights.

194A.410 Vaccination program for emergency responders.

224.50-130 Legislative findings -- Chemical munitions waste treatment or disposal – Requirements for treatment or disposal permits – Restrictions governing permits.

304.18-060 “Blanket health insurance” defined.

337.100 Volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or emergency management agency member absent from employment due to emergency or injury incurred in the line of duty.

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

- 342.140 Computation of employee’s average weekly wage.
- 342.640 Coverage of employees.
- 367.376 Notice of Governor’s implementation of KRS 367.372 to 367.378 – Renewal and termination notice.
- 432.570 Restrictions on possession or use of radio capable of sending or receiving police messages – Penalty – Enforcement.
- 508.025 Assault in the third degree.

Information Technology

- 11.501 Legislative findings.
- 11.503 Definitions for KRS 11.501 to 11.517.
- 11.505 Commonwealth Office of Technology.
- 11.507 Roles, duties and permissible activities for Commonwealth Office of Technology – Duties of Archives and Records Commission and Department for Libraries and Archives not affected.
- 11.509 State agencies to assist Commonwealth Office of Technology – Exceptions for judicial and legislative branches and retirement systems.
- 11.511 Executive director of Commonwealth Office of Technology – Roles and duties.
- 11.512 Office of the 911 Coordinator – Duties.
- 11.513 Kentucky Information Technology Advisory Council – Purposes – Members.
- 11.515 Geographic Information Advisory Council – Purpose – Members – Conflicts of interest.
- 11.5161 Kentucky Wireless Interoperability Executive Committee created.
- 11.5162 Definitions for KRS 11.5161 to 11.5163.
- 11.5163 Statewide public safety interoperability plan – Annual report by chief information officer – Duties of Kentucky Wireless Interoperability Executive Committee – Membership – Public Safety Working Group.
- 11.517 Duties of Geographic Information Advisory Council.
- 11.518 Addition of nonlicensed raster-based datasets of publicly funded Kentucky locations to the Geospatial Data Warehouse – Exceptions – Confidentiality.
- 11.520 Statewide planning and mapping system for public buildings.

Emergency Services Boards

- 65.660 Creation of single-county emergency services board – Replacement of existing fire, ambulance, and rescue squad boards – Boundaries – Taxing powers – Dissolution or alteration of boundaries.
- 65.662 Creation of multicounty emergency services board – Replacement of existing fire, ambulance, and rescue squad boards – Boundaries – Taxing powers – Dissolution or alteration of boundaries.
- 65.664 Powers of emergency services boards.

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

65.666 Management of single-county emergency services board – Board appointments – Terms of board members – Residency requirement – removal.

65.668 Management of multicounty emergency services board – Board appointments – Terms of board members – Residency requirement – Removal – Vacancies.

65.670 Levy of ad valorem tax – License fee – Purpose.

65.672 Contracts for fire, ambulance, and emergency squad services.

65.674 Provision of emergency services through agency of county government – Dedicated county ad valorem tax – Exception to tax levy recall positions.

65.676 Emergency services tax supplemental to existing tax of fire, ambulance, and emergency squad districts – Aggregate tax limits.

65.679 KRS 65.660 to 65.679 supersede structure and taxing privileges of fire, ambulance, and emergency squad districts – other provisions not affected.

65.750 Definitions for KRS 65.750 to 65.760.

65.760 Establishment of 911 emergency telephone service by city, county, or urban county government – Funding.

68.178 County license fee for off-site waste management facilities – Use of proceeds.

75.015 Formation of fire protection subdistrict – Tax levy – Expenditure of tax revenues – Separation of subdistrict amounts in tax billing and in accounting.

75.070 No liability for damages when serving outside limits of district or municipality – Fire departments as agents of Commonwealth.

189.920 Flashing lights.

205.6312 Medical recipients to pay allowable nominal copayments – Administrative regulations.

210.410 State aid for regional mental health and mental retardation programs.

211.951 Newborn infant – Implied consent to medical treatment by emergency services provider – Confidentiality of person placing infant with provider.

216.380 Critical access hospitals – Designation by secretary – Licensure – Required and authorized services – Staffing requirements – Medicaid reimbursement.

216B.190 Newborn infant – Treatment when identity of parents is unknown – Immunity from liability -- Anonymity of person leaving infant – Emergency custody order – Materials for health and medical information.

216B.400 Emergency care – Examination services for victims of sexual offenses – Examination expenses paid by Crime Victims’ Compensation Board.

224.46-510 Generation of hazardous waste, standards – Report by cabinet to county government – Criteria for determining whether waste is hazardous and list of hazardous wastes to be set by regulation.

278.546 Legislative findings and determinations relating to telecommunications.

304.17A-580 Education of insured about appropriate use of emergency and medical services – Coverage of emergency medical conditions and emergency department

REFERENCE STATUTES

Below are several Kentucky Revised Statutes that reference various queries such as “emergency management”, “emergency services”, “answering point”, etc. All Kentucky Revised Statutes can be found in detail at www.lrc.ky.gov.

services – Emergency personnel to contact primary care provider or insurer – Exclusion of limited-benefit health insurance policies.

304.17C-010 Definitions for subtitle.

311A.015 Kentucky Board of Emergency Medical Services – Members – Terms – Quorum – Procedure – Removal of members – Reimbursement – Annual reports.

311A.025 Levels of certification or licensure – Administrative regulations – Emergency services medical director.

Hazardous Materials

411.450 Definitions for KRS 411.460 and 411.470.

411.460 Person who assists or advises in effort to mitigate effects of hazardous waste disposal or discharge immune from civil or criminal liability.

411.470 Immunity does not extend to gross negligence or reckless, wanton or intentional misconduct.

Oil Spills

411.490 Definitions for KRS 411.490 and 411.493.

411.493 Nonliability for removal costs or damages from actions under national contingency plan for oil spills.

Emergency Vehicles

189.910 Definitions for KRS 189.920 to 189.950.

189.920 Flashing lights.

189.930 Right-of-way to emergency vehicles – Blocking or following emergency vehicles – Driving over unprotected hoses of fire department.

189.940 Exemptions from traffic regulations.

189.945 Prohibition against use of mobile infrared electronic transmitter – Exceptions – Penalties.

189.950 Prohibitions – Exceptions.